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3
4 ALBANY, NEW YORK

5 February 5, 1996

6 3:00 p.m.
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8
9 REGULAR SESSION
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13 LT. GOVERNOR BETSY McCAUGHEY ROSS, President

14 STEPHEN F. SLOAN, Secretary
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1 P R O C E E D I N G S

2 THE PRESIDENT: The Senate will
3 come to order. Will everyone please join me in
4 the Pledge of Allegiance.

5 (The assemblage repeated the
6 Pledge of Allegiance to the Flag.)

7 The invocation today will be
8 given by the Reverend Peter G. Young of the
9 Blessed Sacrament Church of Bolton Landing.

10 REVEREND PETER YOUNG: Thank you,
11 Governor.

12 Let us pray. Dear members of the
13 Senate, as we today prepare to be photographed,
14 may we pray for ourselves that we may be
15 delivered from all illusion of superiority, from
16 all pretense of righteousness, from all
17 arrogance and hardness of heart, that we might
18 know the meaning of compassion to all of those
19 and to our elected duties.

20 We pray for the people of New
21 York State that their wealth and power might
22 become a force for peace rather than conflict, a
23 source of hope rather than discontent, an agent

1 of friendship rather than enmity. May the
2 actions of this Senate then be that example now
3 and forevermore. Amen.

4 THE PRESIDENT: Senator Bruno.

5 SENATOR BRUNO: Madam President,
6 may I ask at this time that we take up an
7 extraordinary piece of business, and that is to
8 have this very distinguished body photographed
9 by the very distinguished photographer that I
10 believe is now ready to record this session for
11 posterity.

12 Thank you, Ms. President.

13 THE PRESIDENT: This magnificent
14 body will now be photographed. (Laughter)

15 (Whereupon, the Senate was
16 photographed.)

17 ACTING PRESIDENT KUHL: The
18 Senate will come to order.

19 Senator Bruno.

20 SENATOR BRUNO: Can we at this
21 time have a reading of the Journal.

22 ACTING PRESIDENT KUHL: The
23 Secretary will read the Journal.

1 THE SECRETARY: In Senate,
2 Saturday, February 3rd. The Senate met pursuant
3 to adjournment, Senator Hoblock in the Chair.
4 The Journal of Friday, February 2nd, was read
5 and approved. On motion, the Senate adjourned.

6 ACTING PRESIDENT KUHL: Hearing
7 no objection, the Journal stands approved as
8 read.

9 Presentation of petitions.
10 Messages from the Assembly.
11 Messages from the Governor.
12 Reports of standing committees.
13 Reports of select committees.
14 Communications and reports from
15 state officers.

16 Motions and resolutions.
17 The Chair recognizes Senator
18 Marcellino.

19 SENATOR MARCELLINO: Mr.
20 President, on behalf of Senator Stafford, please
21 place a sponsor's star on Calendar Number 147.

22 ACTING PRESIDENT KUHL: At the
23 request of the sponsor, Calendar Number 147 is

1 starred.

2 Senator Marcellino.

3 SENATOR MARCELLINO: Mr.

4 President, on page number 5, I offer the
5 following amendments to Calendar Number 60,
6 Senate Print Number 69, and ask that said bill
7 retain its place on the Third Reading Calendar,
8 on behalf of Senator Larkin.

9 ACTING PRESIDENT KUHL: The
10 amendments are received and adopted. The bill
11 will retain its place on the Third Reading
12 Calendar.

13 Senator Marcellino.

14 SENATOR MARCELLINO: Mr.

15 President, on behalf of Senator Saland, on page
16 number 16, I offer the following amendments to
17 Calendar Number 137, Senate Print Number 3501,
18 and ask that said bill retain its place on the
19 Third Reading Calendar.

20 ACTING PRESIDENT KUHL: The
21 amendments are received and adopted. The bill
22 will retain its place on the Third Reading
23 Calendar.

1 Senator Marcellino.

2 SENATOR MARCELLINO: Mr.

3 President, on behalf of Senator Lack, I move
4 that the following bill be discharged from its
5 respective committee and be recommitted with
6 instructions to strike the enacting clause.
7 That's Senate 5433-A.

8 ACTING PRESIDENT KUHL: The
9 enacting clause will be stricken.

10 SENATOR MARCELLINO: And, Mr.
11 President, on behalf of Senator Holland, I move
12 to recommit Senate Print Number 34, Calendar
13 Number 37, on order of third reading with
14 instructions to the said committee to strike out
15 the enacting clause.

16 ACTING PRESIDENT KUHL: The
17 enacting clause is stricken. The bill is
18 recommitted.

19 Senator Bruno.

20 SENATOR BRUNO: Mr. President,
21 can we call for an immediate meeting of Rules in
22 Room 332.

23 ACTING PRESIDENT KUHL: There

1 will be an immediate meeting of the Rules
2 Committee in the Majority Conference Room, Room
3 332. Immediate meeting of the Rules Committee
4 in the conference room, the Majority Conference
5 Room, Room 332.

6 Senator Bruno.

7 SENATOR BRUNO: Mr. President, I
8 believe there is a resolution at the desk by
9 Senator Hoblock. I would ask that its title be
10 read and move for its immediate adoption.

11 ACTING PRESIDENT KUHL: The
12 Secretary will read the title to the privileged
13 resolution.

14 THE SECRETARY: By Senator
15 Hoblock, Legislative Resolution honoring Officer
16 Jerry Yerbury for his heroic efforts in saving
17 the life of Patricia Colfer.

18 ACTING PRESIDENT KUHL: The
19 question is on the adoption of the resolution.
20 All those in favor signify by saying aye.

21 (Response of "Aye".)

22 Opposed, nay.

23 (There was no response.)

1 The resolution is adopted.

2 Senator Bruno.

3 SENATOR BRUNO: Mr. President,
4 can we at this time take up the non
5 controversial calendar.

6 ACTING PRESIDENT KUHL: The
7 Secretary will read the non-controversial
8 calendar.

9 THE SECRETARY: Calendar Number
10 124, by Senator Volker, Senate Print 3769, an
11 act to amend the Criminal Procedure Law, in
12 relation to prohibiting a request to any victim
13 of a sexual assault crime to submit to a
14 polygraph test.

15 ACTING PRESIDENT KUHL: The
16 Secretary will read the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect immediately.

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 56.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 125, by Senator Volker, Senate Print 3818, an
4 act to amend the Criminal Procedure Law, the
5 Public Health Law and the Family Court Act, in
6 relation to the authorized destruction of
7 dangerous drugs.

8 ACTING PRESIDENT KUHL: The
9 Secretary will read the last section.

10 THE SECRETARY: Section 5. This
11 act shall take effect on the 1st day of
12 November.

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 56.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 THE SECRETARY: Calendar 135, by
20 Senator Stafford, Senate Print 620, an act to
21 amend the Environmental Conservation Law, in
22 relation to permitting certain advertising in
23 the Adirondack Park.

1 SENATOR PATERSON: Lay it aside.

2 ACTING PRESIDENT KUHL: Lay the
3 bill aside.

4 THE SECRETARY: Calendar 136, by
5 Senator Stafford, Senate Print 629-A, an act to
6 amend the Environmental Conservation Law, in
7 relation to non-hazardous municipal landfill
8 closure.

9 ACTING PRESIDENT KUHL: The
10 Secretary will read the last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect immediately.

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 56.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 THE SECRETARY: Calendar 140, by
20 Senator Volker, Senate Print 3978, an act to
21 amend the Executive Law, in relation to the
22 organization of the New York State Police.

23 ACTING PRESIDENT KUHL: The

1 Secretary will read the last section.

2 THE SECRETARY: Section 3. This
3 act shall take effect immediately.

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 56.

8 ACTING PRESIDENT KUHL: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 141, by Member of the Assembly Perry, Assembly
12 Print 4641, an act to amend the Real Property
13 Law, in relation to the priority of a lien of a
14 reverse mortgage.

15 ACTING PRESIDENT KUHL: The
16 Secretary will read the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect immediately.

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 56.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar 142, by
3 Senator Lack, Senate Print 1296, current
4 resolution of the Senate and the Assembly,
5 proposing amendments to Article VI of the
6 Constitution.

7 SENATOR LACK: Star the
8 resolution, please.

9 ACTING PRESIDENT KUHL: The
10 resolution is starred at the request of the
11 sponsor.

12 The Secretary will continue to
13 call the non-controversial calendar.

14 THE SECRETARY: Calendar Number
15 143, by Senator Skelos, Senate Print 1743-A, an
16 act to amend the General Obligations Law, in
17 relation to exoneration of certain crime
18 victims.

19 ACTING PRESIDENT KUHL: The
20 Secretary will read the last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect on the 1st day of
23 November.

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT KUHL: Announce
5 the results when tabulated.

6 THE SECRETARY: Ayes 55, nays 1,
7 Senator Connor recorded in the negative.

8 ACTING PRESIDENT KUHL: The bill
9 is passed.

10 THE SECRETARY: Calendar 144, by
11 Senator Saland, Senate Print 2109, an act to
12 amend the Surrogate's Court Procedure Act and
13 the Domestic Relations Law, in relation to
14 reports required before orders of adoption.

15 ACTING PRESIDENT KUHL: The
16 Secretary will read the last section.

17 THE SECRETARY: Section 7. This
18 act shall take effect on the 90th day.

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 56.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar 145, by
3 Senator Seward, Senate Print 2699, an act to
4 amend the Real Property Law, in relation to the
5 contents of registration statements.

6 ACTING PRESIDENT KUHL: The
7 Secretary will read the last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect on the 90th day.

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 56.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 Senator Bruno, that completes of
17 the non-controversial calendar, sir.

18 SENATOR BRUNO: Mr. President, I
19 believe there's a report at the desk from the
20 Rules Committee. Can I ask that it be read at
21 this time?

22 ACTING PRESIDENT KUHL: We'll
23 return to the order of reports of standing

1 committees. The Secretary will read.

2 THE SECRETARY: Senator Bruno,
3 from the Committee on Rules, hands up the
4 following bill directly for third reading:
5 Senate Print 5959-A, by Senator Goodman and
6 others, an act to amend the Social Services Law,
7 the Domestic Relations Law, the Family Court Act
8 and the Mental Hygiene Law, in relation to the
9 disclosure of information in the Statewide
10 Central Register of a child.

11 ACTING PRESIDENT KUHL: Senator
12 Bruno.

13 SENATOR BRUNO: Move to accept
14 the report of the Rules Committee, Mr.
15 President.

16 ACTING PRESIDENT KUHL: The
17 motion is to accept the report of the Rules
18 Committee. All those in favor signify by saying
19 aye.

20 (Response of "Aye".)

21 Opposed, nay.

22 (There was no response.)

23 The report is accepted.

1 Senator Bruno.

2 SENATOR BRUNO: Mr. President,
3 can we at this time take up Calendar Number 176
4 recently reported from Rules.

5 ACTING PRESIDENT KUHL: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 176, by Senator Goodman, Senate Print 5959-A, an
9 act to amend the Social Services Law, the
10 Domestic Relations Law, the Family Court Act and
11 the Mental Hygiene Law, in relation to
12 disclosure of information in the Statewide
13 Central Register of Child Abuse.

14 THE PRESIDENT: Read the last
15 section, please.

16 THE SECRETARY: Section 22. This
17 act shall take effect immediately.

18 SENATOR CONNOR: Explanation,
19 please.

20 THE PRESIDENT: Senator Goodman.

21 SENATOR GOODMAN: Mr. President,
22 in the time that I've spent in this chamber, I
23 think there may not be a bill that I would

1 regard as more significant than the one which
2 we're about to consider and the one which is
3 before us -- significant because it relates to
4 an unspeakably sad tragedy which was brought to
5 the attention of the public late last year
6 involving a child who was on the very edge of
7 leading an idyllic fairy tale life.

8 Her name was Elisa Izquierdo.

9 She was a youngster who was born into a
10 star-crossed family with a terribly tragic
11 background, with a mother who was reportedly a
12 "crack" addict, with a father who was not
13 actually in the home but who eventually gave way
14 to a stepfather and over time this child showed
15 some remarkable natural charm, vivacity,
16 intelligence and potential, and as the child
17 developed and grew, quite extraordinarily -- and
18 I spoke of it as a fairy tale a moment ago, and
19 this is the part that is so extraordinary -- a
20 member of European royalty chanced to visit the
21 child in school and was so attracted to her that
22 he decided that he was going to take from his
23 own available funds monies to assure that she

1 would go through her elementary and secondary
2 education with his full support. In short, he
3 was attempting to write for her a passport into
4 a brighter tomorrow, and then circumstances
5 which engaged the attention of the public with
6 infinite sadness began to transpire.

7 The child's mother, for reasons
8 that are obscure but which were explained at
9 some point along the way as involving an alleged
10 voodoo curse, caused the mother to try to beat
11 the curse out of the child physically with a
12 variety of physical attacks upon the child's
13 body and upon the child herself psychologic
14 ally. This came so close to being a wondrous
15 tale of retrieval from a poverty background and
16 a background of drug abuse, but instead the
17 child fell over the cliff, down the slippery
18 slope to death at the hands allegedly of her own
19 parent.

20 The thing that causes government
21 to have special concern about this matter is the
22 fact that the government was aware of the prob
23 lem. The government, indeed, had intervened in

1 the earlier stages of the problem and supposedly
2 had this case under close surveillance, but alas
3 it was not to be that the government could step
4 in and repeatedly notice the bruises and the
5 various signs of violence done to the child.
6 Instead, the child fell between the cracks and
7 was lost to us in a manner which appears
8 absolutely inexplicable.

9 Now, your Senate Investigations
10 Committee held a public hearing on this matter
11 and in holding the public hearing, we were told
12 by the Agency for Child Welfare in the city of
13 New York that it was not possible to reveal to
14 us, even though we are the investigative arm of
15 the Senate, the circumstances surrounding the
16 death of the child and the lack of adequate
17 government intervention to save the child. Why
18 would they not discuss this with us? Because of
19 an obsolete law which placed a veil of secrecy
20 over all of these proceedings.

21 For some years we've known about
22 this problem regarding the veil of secrecy. We
23 were aware of the fact that it was not possible

1 for the investigative branch of government, for
2 the Comptroller's office, for district attor
3 neys, indeed for anybody short of the Child
4 Welfare Administration itself, to be privy to
5 the facts of a case of child violence, and over
6 an over again, youngsters have been killed by
7 their own parents, actual homicides in which we
8 cannot determine what happened and how we might
9 have prevented it because this is all obscure to
10 us, under the law.

11 Not surprisingly, we finally
12 decided that enough was enough, that it was
13 imperative that government intervene and that we
14 find a way to permit government, officials and
15 appropriate parties concerned, with the welfare
16 of children, to be given the information of how
17 we lose these children in order to prevent its
18 future recurrence, and that is the genesis of
19 the law that we have before us today.

20 Now, let it be noted that there
21 is another side of the coin in this matter, and
22 that's the side of the coin which involves not
23 wishing to have information revealed in such a

1 manner that it could bring about a reprisal
2 against an individual who reveals child
3 violence, somebody might be an observer of a
4 family situation, bring that to the attention of
5 a court or of a law enforcement officer and then
6 be visited with violence himself or herself for
7 having had the audacity to bring this to the
8 public authority's attention, and so the law
9 that was originally passed was designed to
10 prevent against reprisals.

11 It was also designed to protect
12 in another fashion, namely, to be sure that no
13 undue embarrassment was brought to other family
14 members who might be innocent bystanders in
15 cases of this sort, and then too there's the
16 aspect of the law which said that when a
17 complaint is lodged through the hot line which
18 was brought into existence some years ago -
19 some of us were involved in the creation of a
20 child abuse hot line -- we created it so that
21 when anyone observed child abuse, they could
22 report it immediately by telephone and have a
23 trigger mechanism to bring about an

1 investigation of the circumstances.

2 Well, let's say that a child fell
3 off a couch supposedly and was bruised; one
4 might observe a bruise. A teacher in a school
5 might be suspicious but report the matter. An
6 investigation would be held and the parent would
7 say the child fell off a couch; it was an
8 accident. Well and good. At that point, that
9 would be removed and expunged from the record
10 because it was presumably not a case of violence
11 being visited upon the child, but then again,
12 this might have happened a second time or a
13 third or a fourth, and in each instance because
14 the case in and of itself in isolation appeared
15 innocuous, there was no effort made to retain
16 the record of that occurrence, but when we stop
17 to think about it, the cumulative development of
18 these cases when we see there are four or five
19 or six or even more instances of child injury
20 which, in and of themselves, appear not to be
21 the result of abuse but which collectively and
22 cumulatively indicate that there is a pattern
23 that's suspicious and may well involve abuse, in

1 those instances we need to be able to retain the
2 records so that we are able to put this under
3 our microscope of sociological examination and
4 reveal, Ah-ha! There's something suspicious
5 here. This could not have happened so many
6 times in succession.

7 So this law, in addition to
8 lifting the veil of secrecy, in addition to
9 trying to balance it appropriately with
10 protection to families, also seeks not to
11 expunge records. We had the district attorney
12 of Suffolk County come in and give us his advice
13 that the expungement was a bad idea. We had the
14 State Investigations Commission which recently
15 issued a report on child violence come up with
16 the same point. We had the mayor of the city of
17 New York through his investigations commissioner
18 importune us not to eliminate these records but
19 to keep them under court seal so that it would
20 be possible to have the record without unjustly
21 accusing anyone but have it available if we
22 needed it.

23 This law incorporates all of

1 these features and a number of others which are
2 quite complex. I will not attempt to burden the
3 house with a full recitation of these, but I
4 would have you know that enormous thought has
5 gone into this effort. This is not the effort
6 of any one legislator, this piece of
7 legislation. It involves a cooperative effort
8 with the -- of course, the Majority Leader of
9 the Senate, Senator Bruno, who took enormous
10 interest and expressed great concern with our
11 getting on with a solution to this. It also
12 involved the Speaker of the Assembly who's been
13 most cooperative in trying to move it through
14 his house.

15 The Governor himself was
16 sufficiently concerned so that he assigned a
17 special task force under the Attorney General to
18 examine the case, and they have come in with
19 their report and recommendations, and all of
20 these things have now combined together to make
21 this one -- to create this one bill, but perhaps
22 most important, I'd like to pay tribute to my
23 colleague, Senator Saland, because it is Senator

1 Saland who is the prime specialist in this area
2 as chairman of the Child Welfare Committee of
3 the Senate, is really an expert in this matter
4 and has given us of his time and of his intel
5 lectual skill and capacity to help us shape a
6 bill which would be one that is hopefully most
7 humane, and I'm sorry to say that I think the
8 final product is not fully to his satisfaction,
9 although he will speak for himself in a moment
10 and tell you his views on it, but let it be said
11 that in a matter this complex, I feel fortunate
12 that we had such diverse interest and support
13 from many quarters, and what you have before you
14 is a bipartisan, collective product which
15 hopefully will help to avert these types of
16 tragedies in the future.

17 SENATOR CONNOR: Madam President
18 -- I'm sorry. I thought you were finished.

19 SENATOR GOODMAN: I'll take
20 another sentence or two, Senator Connor, if I
21 may.

22 Colleagues, it's a year obviously
23 of great inter-party tension, and this is

1 understandable. In every even numbered year
2 these things tend to bubble up, but let it be
3 noted that, in this particular case, I think
4 it's fair to say that we have remarkable
5 unanimity of opinion as to the solution that
6 society must provide to this type of problem.

7 There's not an individual within
8 the sound of my voice in this chamber or
9 elsewhere who does not agree that our children
10 are our most precious assets and that to us
11 holds a special obligation to protect them
12 against violence and especially that
13 pathological form of violence which occurs right
14 in their own homes from their own parents.

15 I, for one, am very clear that as
16 long as there is a "crack" epidemic and as long
17 as parents give birth to children who themselves
18 are involved with "crack", that there's bound to
19 be this type of acting out violence on the part
20 of parents to their children because "crack"
21 produces ghastly aberrational behavior and a
22 violent pattern of behavior which repeats itself
23 over and over again.

1 So, therefore, it behooves
2 government to send up a signal that we will be
3 alert and we will do everything in our power to
4 prevent these problems, and when I say that, I
5 speak not just of what occurs within the ambit
6 of this bill, but of the whole social and child
7 welfare system. We must recruit stronger case
8 workers. We must give those case workers
9 careful screening to be sure that there's
10 nothing in their own background which would
11 indicate neglect or incapacity to perform. We
12 must train these case workers not just to have
13 tunnel vision and to go in and see whether a
14 child has a bruise, but rather to look at the
15 entire context of the child's whole home life
16 and school life to be sure that there is no
17 situation which brings about violence to the
18 child, and we must assuredly have the capacity
19 to look into the situations when violence and
20 even death does occur, to be absolutely certain
21 that government is able to detect these
22 situations and to remove the child from a
23 harmful environment while at the same time,

1 being careful wherever possible to keep the
2 child with its parents who, after all through
3 natural forces of nature, should be those best
4 equipped to guard and to protect and to succor a
5 child.

6 This is a deeply humane problem
7 which I know is of concern to every one of you,
8 my colleagues, and I shall be most grateful for
9 your support, hopefully unanimously in the
10 passage of this bill.

11 THE PRESIDENT: Senator Bruno.

12 SENATOR BRUNO: Let me pass at
13 this time, Madam President.

14 SENATOR CONNOR: Madam President.

15 THE PRESIDENT: Senator Connor.

16 SENATOR CONNOR: Thank you, Madam
17 President.

18 I certainly want to congratulate
19 Senator Bruno for bringing this bill out and
20 Senator Goodman for his work on it, and Senator
21 Saland and our colleagues in the Assembly.

22 Let me say that Elisa was a
23 constituent. The case happened in my district

1 on the Lower East Side, but it's not the first
2 case in that neighborhood; it's not the first
3 case in New York City and not the first case in
4 New York State, and regrettably, it probably
5 won't be the last case, and I'm certainly
6 supporting this bill because this bill does
7 address some of the faults in the system.

8 I think what was most shocking
9 about Elisa's case was that there had been
10 reports of abuse, that there had been reports by
11 teachers, as we've, by law, required the various
12 care givers to children make such reports, that
13 there was so much evidence and it all fell
14 through the cracks. It seemed to fall through
15 the cracks in Family Court. It seemed to fall
16 through the cracks in the Child Welfare
17 Administration, and I guess what really makes
18 the case the most compelling is, as Senator
19 Goodman pointed out, there was an alternative.
20 There was hope.

21 There was hope for this child
22 whose father, by all accounts, a single parent
23 was singularly devoted to her but, unfortun

1 ately, passed away from cancer and she was left
2 really to become the victim of an inept system,
3 if not an uncaring system, and this bill does
4 address some of the faults that that case
5 dramatized, but by no means -- by no means is
6 this legislation the panacea for the problem of
7 child abuse, and by no means will it solve all
8 of the problems.

9 There's clearly much, much more
10 work to be done, and the Attorney General has
11 had a report on it. The State Investigations
12 Commission has had a report very recently on the
13 whole situation with the Child Welfare Adminis
14 tration. Commendably, the mayor is taking
15 actions to revise it from an administrative
16 standpoint, but there's clearly much, much more
17 work to be done.

18 We also, my colleagues, have to
19 be conscious of what we do here. Last year, the
20 Governor proposed a \$158 million cut to child
21 protection services. The Legislature resisted
22 part of that, but we did go along with a \$90
23 million cut in Child Protective Services and,

1 indeed, within a matter of weeks of this tragic
2 case, the Governor requested the restoration of
3 80 million of those 90 million. We all make
4 mistakes. A pretty good indication, though,
5 that the money does matter but, clearly, the way
6 these cases are processed, the kind of
7 supervision, the qualifications of the people
8 involved are also very, very important.

9 I don't think Senator Goodman's
10 bill is by any means a bad bill. I think it's a
11 good bill, but I don't think it addresses all of
12 the issues, and I'm sure nor does he pretend it
13 does. It addresses some important issues at his
14 investigation in hearings and this case pointed
15 out about how, in fact, the secrecy laws were
16 being used to cover up ineptness, cover up just
17 plain lost cases about poor lost children who
18 were brutalized and, in that case, murdered.

19 So I'm certainly going to vote
20 for it, but I urge all of my colleagues, let's
21 remember there's more to be done. There's more
22 to be done in the area of child protection
23 services and I also remind all of you, there are

1 very, very important things that government does
2 that no one else can really do because it does
3 take the force of law into these cases and that
4 does require money, and while we're ready
5 certainly to join in appropriate cutbacks in the
6 scope of government and we certainly want
7 savings and efficiency, we do have to recognize
8 that there are always priorities and we always
9 do have to provide sufficient funds for the kind
10 of programs that no one but our government can
11 do, particularly when our children are at risk.

12 Thank you, Madam President.

13 THE PRESIDENT: Senator Saland.

14 SENATOR SALAND: Thank you, Madam
15 President.

16 Madam President, I rise to
17 certainly compliment and laud Senator Goodman
18 for his efforts in taking this issue, staying
19 with it and working it through the rather
20 lengthy process that got us here today and, very
21 similarly, I would compliment Senator Bruno
22 because Senator Bruno determined early on that
23 this was an issue of critical importance and one

1 which required to be, in effect, fast tracked.

2 I come to the issue of child
3 abuse as someone who formerly handled these
4 cases some 20 years ago, and at that time I felt
5 absolutely certain that my first one would be my
6 last one and, unfortunately, I found out that
7 there would be a number of cases that I would
8 handle thereafter for my county.

9 A couple of years ago when we did
10 the omnibus domestic violence bill, I mentioned
11 that particular topic and discussed the fact of
12 what brought me to the issue. I have, for the
13 past two or three years, had the good fortune of
14 chairing the Children and Families Committee
15 which is something that I eagerly wanted to do.
16 Even as a member of the Assembly, I was keenly
17 involved in child abuse issues and there were
18 several chapters which, while they don't
19 necessarily bear my name, if you look at the
20 second party on the bill, you'll see my name.
21 The liability language currently contained in
22 Section 419 is language which I drafted,
23 ultimately became a Bianchi-Saland bill, and I

1 believe it was passed in this house by Senator
2 Johnson. So it's been a continuing effort, and
3 I applaud Senator Goodman, really, for dealing,
4 I think, with the issue of child abuse in truly
5 a marvelous fashion.

6 What I'm concerned about,
7 however, and the reason my name doesn't appear
8 on this bill, is that I fear the unintended
9 consequences of this bill. I fear that in our
10 zeal to deal with child abuse, we are placing
11 others at risk.

12 Now, the standard by which we
13 determine whether a report is indicated is
14 whether or not there's credible evidence. We're
15 not talking about a preponderance of evidence.
16 We're not talking about clear and preponderant.
17 We're not talking about beyond a reasonable
18 doubt. We're talking about mere credible
19 evidence. So by definition, if a report is
20 unfounded, there is no credible evidence to
21 support that particular claim.

22 Now, that system has presented us
23 with some problems. The problems which it has

1 presented itself, unfortunately manifested
2 itself in any number of cases but certainly the
3 one that captured the hearts and minds of New
4 Yorkers and really much of the nation is the
5 case to which Senator Goodman and Senator Connor
6 earlier referred, the Izquierdo case, and that's
7 why this is called Elisa's Law.

8 There's no doubt that the system
9 needs improvement and there's no doubt that the
10 system can be dramatically improved. My concern
11 is that in the course of improving the child
12 abuse system, that we are running the risk of
13 abusing others by keeping all unfounded reports.

14 Right now some 330... well, last
15 year, some 330,000 reports came into the system,
16 probably about 210,000 or so upon their being
17 submitted or called in, many, if not most of
18 them anonymously. Many of them, if not most of
19 them coming out of matrimonial proceedings were
20 not -- were not investigated because they were,
21 in effect, discharged right off the bat as
22 really not being remotely credible. You get
23 down to about 130,000 cases. Of those 130,000

1 cases, somewhere between 90- and 100,000 were
2 determined to be unfounded. Of the remaining
3 approximate 30- to 40,000, after a hearing
4 requested by the party, who is the subject of
5 the report, some 70 percent of them were
6 subsequently changed from "indicated" to
7 "unfounded".

8 There's a vast universe of cases
9 out there that have nothing to do with physical
10 abuse, have nothing to do with child abuse.
11 They deal with neglect, an entirely different
12 subject, a different quantum than child abuse.
13 There's no doubt that we should determine -- to
14 hang onto records where there is a pattern of
15 abuse, but what the SIC recommended was not that
16 we retain all expunged records, and I'm reading
17 from the expungement portion of the SIC report.
18 It says:

19 "The commission recommends that
20 the current system of classifying reports as
21 either 'unfounded' or 'indicated' be replaced.
22 Instead, there should be a middle category where
23 records of cases in which there is a reasonable

1 basis for concern can be preserved. This middle
2 category in which abuse is suspected should
3 include cases in which there are objective
4 indications of abuse or neglect but insufficient
5 evidence to indicate a report. Records of cases
6 fall into the suspected category would be --"
7 I'm sorry "-- records of cases which fall into
8 the suspected category would be preserved rather
9 than expunged.

10 This category would include cases
11 in which a single instance of inappropriate or
12 questionable conduct would not constitute abuse
13 or neglect but that same conduct repeated over
14 time could establish a pattern of abuse or
15 neglect", and it goes on to say that "the
16 definition of unfounded cases should be changed
17 to include only those cases in which evidence of
18 child abuse has been disproved and there is no
19 suspicion that the report was intentionally
20 false."

21 In reviewing this bill over the
22 weekend, there's a number of things that I found
23 again that fall into this category of unintended

1 consequences. There are a number of states that
2 retain these patterned cases, call them suspect
3 ed cases, if you wish, as the SIC proposed or
4 undetermined as some other states do. None of
5 them -- none, not even the state of Texas -- not
6 exactly renowned as a bastion of civil
7 libertarianism -- holds these any longer than
8 six months. We are holding them not merely for
9 ten years, but from ten years from the birthdate
10 -- ten years -- I'm sorry -- ten years beyond
11 the youngest child named in the report attaining
12 the age of 18, so you could keep these -- if it
13 was a three-year-old child in a report involving
14 a 15-year-old, you could keep these records for
15 25 years.

16 Now, why am I concerned? I have
17 never exactly been known as a civil libertar
18 ian. I don't consider this to be a civil
19 libertarian issue. I have, in fact, been
20 accused of being somewhat Neanderthal at times.
21 Why am I concerned? I'm concerned because what
22 we will be doing is opening a door to making
23 standard operating procedure, the use by

1 matrimonial attorneys of this register in
2 custody cases.

3 Now, the bill says it's not
4 admissible, but let me suggest to you, if a
5 person makes three, four or five calls, these
6 can be anonymous; you can be identified, and
7 after the third or fourth or fifth call when,
8 for instance, one spouse, in dealing with the
9 child who has visitation says, "Johnny, when you
10 came back from --" I'll use the example of a
11 wife -- "Little Johnny, when you came back from
12 visiting Daddy, did he touch your private
13 parts", and little Johnny says, "No", and two
14 weeks later little Johnny comes back from
15 visitation and Mommy says, "Johnny, did Daddy
16 touch your private parts?" Johnny says, "No."
17 Two weeks after that, the same spiel and finally
18 Johnny scratches his head -- maybe he doesn't
19 even know what private parts are -- and he says,
20 "I think so, Mommy." Report to the central
21 registry, unfounded. Same thing two, three,
22 four times afterwards and how long before the
23 person indicates the report jockeying for

1 advantage in matrimonial proceedings?

2 Let me suggest to you that high
3 profile people, perhaps somebody in this chamber
4 in the midst of some controversial issue in
5 which passions are running deeply will wind up
6 being the victim of an unfounded report.

7 Senator "X" has abused his or her
8 child. Senator "X" is snorting "coke" in the
9 presence of his children. Unfounded? Certainly
10 clear to you and anybody who knows you. None
11 theless, in the report, and if you read the
12 bill, the bill says that while, in fact, that is
13 inadmissible, you have the ability to access
14 that information, and if somebody says to you,
15 "But, Senator Saland, you were the subject of a
16 report; why don't you disclose it", saying
17 "unfounded" will not be good enough.

18 There's a provision here in which
19 a child who is the subject of the proceeding -
20 not the subject. The subject of the proceeding
21 is the abuser -- the child named in the action
22 can have his or her name disclosed. It's sort
23 of a discretionary thing subject to certain

1 generalized standards with the Social Services
2 Commissioner. I cannot fathom a set of
3 circumstances under which a child who has been
4 sexually abused or sodomized could appropriately
5 have his or her name listed in any set of
6 circumstances anywhere. There is certainly
7 little to be gained in permitting that to
8 happen.

9 I also have some trouble with the
10 disclosure requirements. If you look at -
11 unfortunately, I'm working off a computer
12 generated copy, not the bill. On my copy, it
13 says, "Section 3. Information may be disclosed
14 pursuant to the section as follows:" There's an
15 (a), a (b), a (c) and (a) says, "Information
16 released prior to the completion of the
17 investigation of a report shall be limited to a
18 statement that a report is," quote, "'under
19 investigation.'" .

20 (b) then says, "When there has
21 been a prior disclosure pursuant to paragraph
22 (a) of this subdivision, information released in
23 a case in which the report has been unfounded

1 shall be limited to the statement that," quote,
2 "'the investigation has been completed and the
3 report has been unfounded.'" .

4 I'm not sure how much solace that
5 will be to those who have been wrongfully
6 accused.

7 I ask the question, why is it
8 necessary? Why is it necessary to put out
9 information in advance until you've completed
10 your investigation? What are you doing to the
11 rights of privacy of people and perhaps at times
12 a child who has been brought into this? It's an
13 invitation, truly an invitation to pressure
14 people who are subject to unfounded reports to
15 release information. This invites pressure
16 where there's been an unfounded report for a
17 person, particularly a high profile person,
18 whether it's an elected official, whether it's a
19 business person, whether it's a person of some
20 stature in your community, the pressure will be
21 on to release the information. What are you
22 hiding if it's unfounded? Release it.

23 Now, I'm sensitive to the fact

1 that district attorneys, including the -- you
2 know, former U.S. Attorney for the Southern
3 District of New York, the mayor of the city of
4 New York and the Suffolk County District Attor
5 ney have a keen interest in this. I'm not quite
6 sure we should be determining how we handle
7 child-related issues, whether we should be
8 handling it really in a fashion that relies
9 primarily on the expertise of prosecutors
10 because I'm truly not sure that they have the
11 kinds of background or expertise to deal with
12 this.

13 Now, I'm assuming that the
14 section of the law which says "this shall be
15 inadmissible in a judicial proceeding or an
16 administrative hearing", I'm assuming that
17 certainly the prosecutors are aware that they
18 will not be able to use that in a grand jury
19 proceeding because a grand jury proceeding is,
20 in fact, a -- is a court function.

21 So let me just conclude by saying
22 I am not suggesting that anybody vote against
23 this bill. My plea is to visit this issue,

1 revisit this issue on the question of
2 expungement as rapidly as possible before we
3 lose sight of it because I fear that we will be
4 back here some time within the next two to three
5 years otherwise after somebody has been
6 grievously wronged, perhaps somebody who you
7 know, perhaps somebody who I know, perhaps
8 somebody right here in this chamber and we will
9 be attempting to fix something that we could
10 have fixed before we got here, consistent with
11 what the SIC recommended, consistent with
12 editorial comments such as contained in the New
13 York Times, delineate the cases in which there's
14 a pattern.

15 And let me give you just the
16 example that certainly is the easiest. Somebody
17 shows up in an emergency room with a child that
18 has a bump or a bruise on the head. Now, under
19 the current system, if Mommy or Daddy said,
20 "Little Johnny fell out of the crib", that
21 would not be an indicated report, barring some
22 other evidence or corroboration that would be
23 unfounded and a few weeks later, little Johnny

1 showed up in the emergency room again, had a
2 welt on his arm and Mommy said, "He leaned up
3 against the stove and burned himself", that
4 would probably not be an indicated report
5 either. The first report would have been
6 expunged; the second report would have been
7 expunged, and if he showed up two or three weeks
8 later with a scratch on his face, that, standing
9 by itself, would not have been an indicated
10 report. It would be unfounded.

11 What I would suggest, what the
12 SIC would suggest, would be in those cases where
13 there is some evidence of some type of trauma,
14 that those records be retained. Those are the
15 patterned cases to which they make reference.
16 That is a distinction which I think is an
17 important distinction.

18 I offer my comments certainly for
19 no reason other than the fact that, as I said,
20 I've worked in this area for a long, long time.
21 I was involved in negotiations on this bill. I
22 certainly wouldn't want my comments to come
23 across as sour grapes. They're not intended as

1 such. They're intended as a warning, as a
2 deeply and heart-felt warning and I can only
3 suggest to you that I've always taken my job
4 seriously. I labored long and hard on the
5 issues that I've dealt with in my committee. I
6 think the evidence is clear that that was the
7 case certainly dealing with domestic violence,
8 and I would suggest to you that we can always do
9 better. No bill that we put out is always going
10 to be in stone. There will always be reasons
11 why we should improve it and we will improve it,
12 but I think in this case particularly, we should
13 start to improve it right away, and I would hope
14 that the Governor and the leadership being
15 cognizant of that would try and do that before
16 this session concludes.

17 Thank you, Madam President.

18 THE PRESIDENT: Thank you,
19 Senator Saland.

20 Senator Bruno.

21 SENATOR BRUNO: Thank you, Madam
22 President.

23 Madam President, my colleagues,

1 we have on the floor now, as Senator Goodman
2 rightly pointed out, one of the most important
3 pieces of legislation that we will deal with in
4 this session, and it's a tragedy in itself that
5 we have to deal legislatively with matters of
6 family as relates to the care of children.
7 Children who are defenseless, can't take care of
8 themselves, can't provide for themselves, look
9 to their parents, to their guardians for
10 protection, for direction, for advice, and when
11 young people are abused physically, emotionally,
12 mentally, there isn't anything more tragic in
13 our society.

14 Senator Goodman has been in a
15 leadership position on this issue for years, and
16 that is a matter of record. Senator Saland has
17 had a vital interest in what has gone on, as so
18 many of the others in this chamber. We have
19 shown in this chamber a concern for young people
20 who can't look after themselves. Megan's Law,
21 led by Senator Dean Skelos, that is now law
22 looks to protect the interests of young people
23 in this state.

1 So I rise and ask my colleagues
2 to be supportive and recognize the necessity of
3 having to put into existence this law. Confi
4 should never mask accountability when you're
5 dealing with victims and potential victims,
6 especially when they are underaged, young people
7 who cannot look after themselves. We have a
8 special responsibility to protect those who
9 cannot protect themselves. This is well
10 drafted, protects the innocent and it also has a
11 degree of protection for those people that might
12 be falsely accused.

13 So I want to thank everyone that
14 has a part in getting this legislation to the
15 floor. I want to thank my colleagues for their
16 support for this important piece of legislation.

17 Thank you, Madam President.

18 THE PRESIDENT: Thank you,
19 Senator Bruno.

20 Senator Leichter.

21 SENATOR LEICHTER: Madam
22 President, it's a tragedy that it took Elisa's
23 death to bring a bill which deals with the issue

1 of confidentiality and removes confidentiality
2 where it should not be and where it only keeps
3 us from protecting the interest of a child, but
4 it would be a greater tragedy if we thought that
5 by this bill we have dealt with the issue of
6 child abuse, and I must say, Senator Bruno says
7 this is one of the most important pieces of
8 legislation that's going to be done this
9 session. If that's the case, we're obviously
10 not going to do very much on child abuse or
11 anything else.

12 Senator Goodman, I certainly want
13 to commend you for your effort. You didn't wait
14 for Elisa's death to put in this bill. I know
15 that for years you have been trying to deal with
16 the issue of confidentiality, and as it existed
17 -- as it exists right now, unless we act as
18 obviously we're going to act, it certainly
19 prevented us from taking steps that could save
20 children, and you saw that years ago and you've
21 tried to pass this and, as I said, it took
22 Elisa's death to galvanize the Legislature into
23 action, but I do differ with you when you say

1 this is one of the most significant bills in all
2 the years that you've served here because you've
3 served here many years as I have, and with all
4 due respect, I don't think that we should be
5 caught up in the hype over this bill and see it
6 as a universal solvent or solution to child
7 abuse. It happens to be a relatively small
8 step, something that we need to do, must be
9 done, but there are other things -- and you
10 mentioned some of them -- which, frankly, are
11 much more important. Most important from my
12 viewpoint is to fund the system of protective
13 services, as Senator Connor stated it so well
14 when he said, you know, the Governor who
15 expressed all of his outrage at how could
16 Elisa's death have occurred, but his budget
17 sought to cut protective services last year by
18 158 million. The Legislature restored some of
19 it, but if you don't have adequate resources to
20 deal in this difficult area, if you don't have
21 the case workers, if you don't have case workers
22 who are paid a decent salary, if you don't have
23 case workers who are trained, you will not be

1 able to effectively try to prevent child abuse,
2 and I would hope that we don't applaud
3 ourselves, compliment each other, "Oh, what a
4 wonderful thing we've done on child abuse", but
5 recognize that it is the first step in a journey
6 that we have to take, and I would hope that by
7 voting for this bill, as I certainly intend to
8 vote for it, that we also make a commitment to
9 doing those things which are so important. Many
10 of them were pointed out in the report of the
11 State Investigation Commission.

12 One of them which I feel very
13 strongly about because I have been trying to get
14 the attention of the Legislature on it for some
15 two years is the need to have standards for
16 child abuse workers, to have standards, to have
17 training, to have a test. Right now, there are
18 almost no qualifications. The child abuse case
19 workers who have to make the most difficult
20 decisions imaginable, more difficult than
21 decisions which members of the Court of Appeals
22 of the U.S. Supreme Court make. When is a child
23 -- when is it in a child's interest to remove

1 that child from the home? How would anybody
2 here like to make that decision; and yet we send
3 people out to make these decisions. They're
4 overworked. They have many, many cases. They
5 don't have the training. They don't have the
6 supervision. They don't have the support. I
7 believe if I recollect properly in Elisa's case
8 at one point where it was brought to the
9 attention of the child -- the case worker
10 dealing with that particular case that there was
11 indication of abuse, she said, "Well, I've got
12 30 other cases. I have emergencies. I can't
13 get to this one."

14 Now, if we allow that condition
15 to exist, then we just cannot hide behind this
16 bill and say, "We have taken care of child
17 abuse. We've passed the most important bill of
18 the legislation. We've passed the most
19 significant bill." No, we haven't. We've done
20 something that needed to be done, and I want to
21 say, I think that in a certain sense, we're
22 rushing to do this because I think Senator
23 Saland made some very persuasive argument how

1 you can have a bill that removes confidentiality
2 where it should not exist and at the same time,
3 provide protection following also the recommen
4 dation of the State Investigation Commission
5 that you have three categories. I'm sorry, that
6 is not in the bill.

7 So I would just urge all of us,
8 again that we make the commitment to do much
9 more than pass this bill, needed as it is, and
10 that we realize that we have a long way to go
11 before we as legislators fulfill our obligation
12 to abused children in this state.

13 THE PRESIDENT: Thank you,
14 Senator Leichter.

15 Senator Dollinger.

16 SENATOR DOLLINGER: Madam
17 President, will the sponsor yield to a couple
18 questions?

19 THE PRESIDENT: Senator Goodman.

20 SENATOR DOLLINGER: Mr. Chairman,
21 in reviewing this bill, I'd like to just deal
22 with a couple concepts because I share Senator
23 Saland's concern about the speed with which this

1 bill has been produced. I know this is an issue
2 that you have been working on for some time but
3 nonetheless, this is going to become the law of
4 our state. We're giving these instructions to
5 child protective workers around the state and
6 the directors of child services in our counties,
7 and I just have a couple questions about the
8 drafting of the bill.

9 Let me call your attention to
10 page 10, the section that deals with the term
11 "legally sealing the records". For a lawyer
12 sealing records is a term of art that involves a
13 court taking jurisdiction over the records and
14 sealing them subject to a petition from someone
15 upon notice to the parties involved in the
16 sealing prior to the unsealing of the records.

17 This statute refers, on page 10
18 in line 8, to "legally sealing the records".
19 Could you tell me what that means?

20 THE PRESIDENT: Senator Goodman.

21 SENATOR GOODMAN: Senator, that
22 term was developed by Governor's counsel and by
23 others -- other lawyers who were working on

1 this. Not being an attorney, I'm informed that,
2 like most lawyers, there are about nine
3 different ways to skin this cat, and that this
4 is, therefore, a complex term; but let's just
5 let a little common sense into an open window.
6 What it means is -

7 SENATOR DOLLINGER: O.K. I think
8 it's important that you put that common sense on
9 the record, because some day someone may say
10 which of those nine opinions were we relying on
11 when we put this statute on the books, and it
12 would be nice to be able to say opinion number
13 4, opinion number 5, so that's why I asked you
14 the question, Senator, to elucidate that fact.

15 THE PRESIDENT: Senator Goodman.

16 SENATOR GOODMAN: It was first
17 brought to my attention by the Investigations
18 Commissioner of the city of New York and by the
19 district attorney of Suffolk County indicating
20 that this would reflect the conventional
21 practice of a court to place under its custody,
22 if you please, records in such fashion that they
23 could not be accessed by anybody other than

1 those approved by the court pursuant to an
2 action of the court, so that I think the
3 intention here as I presume it's reflected in
4 this word of art is that these records are not
5 to be made available promiscuously. They are
6 not to be made available by some superficial
7 request of an unauthorized person but rather, by
8 a petition to a court to release the information
9 if it's required. In short, they are under
10 heavy protection and will not be leaked to the
11 press or anybody else in the normal course of
12 business.

13 THE PRESIDENT: Senator
14 Dollinger.

15 SENATOR DOLLINGER: Again through
16 you, Madam President, if the Senator will
17 continue to yield.

18 THE PRESIDENT: Senator Goodman.

19 SENATOR GOODMAN: Yes, I will.

20 SENATOR DOLLINGER: That raises
21 an interesting issue. In common practice for
22 the sealing of the records in a court, prior to
23 the unsealing of the records, all the parties

1 interested in the records would be given notice
2 and an opportunity to be heard, those building
3 blocks of due process prior to the unsealing of
4 the records.

5 Is it your intention that both
6 the child and their family, as well as the
7 person who's accused of abuse or neglect would
8 be given notice prior -- and an opportunity to
9 be heard before the Commissioner of Social
10 Services prior to the release of these records?

11 SENATOR GOODMAN: No, it is not.

12 SENATOR DOLLINGER: So they
13 wouldn't be legally sealed then in the sense of
14 having an opportunity to be told that they're
15 going to be unsealed and to have an opportunity
16 to question their unsealing.

17 SENATOR GOODMAN: I think that to
18 have the individual who is under -- under
19 examination for having inflicted abuse be in a
20 position to block the release of the record
21 would be manifestly absurd.

22 SENATOR DOLLINGER: Again through
23 you, Madam President.

1 THE PRESIDENT: Yes, Senator
2 Dollinger.

3 SENATOR DOLLINGER: But isn't it
4 a fact that the person who would be seeking to
5 prevent their release would have been -- would
6 have been an unfounded determination, that it
7 was an unfounded allegation of abuse?

8 THE PRESIDENT: Senator Goodman.

9 SENATOR GOODMAN: It might or it
10 might not depending on the circumstances of the
11 case, but I think what we are attempting to do
12 -- let me just be sure we place this in proper
13 context. What we're talking about is the
14 potential death of a child. We are taking in
15 this instance certain steps which I think
16 Senator Saland has properly described as
17 reaching a point of concern which was part of
18 the discussion of this entire bill which I,
19 incidentally, shared very profoundly, to be
20 quite certain that we are being first and
21 foremost protective of the life of a child, and
22 if the two pans of the scale weigh in such
23 fashion that there is a risk that the child's

1 life may be lost in order to protect the civil
2 libertarian extreme viewpoint, we'll take the
3 risk in order to protect the child.

4 There may be a problem here, and
5 that's why Senator Saland's suggestion is a
6 meritorious one, that we study closely the
7 application of this law.

8 SENATOR DOLLINGER: Again,
9 through you, Madam Chairwoman.

10 THE PRESIDENT: Senator
11 Dollinger.

12 SENATOR DOLLINGER: What I'm
13 simply trying to highlight is the point made I
14 believe by Senator Saland and Senator Leichter
15 that, if you had a third category of the
16 suspected child abuse, I believe that you -- you
17 could perhaps, under those circumstances, not
18 provide due process, but certainly someone who's
19 had an unfounded allegation of the abuse or
20 neglect because my understanding, and perhaps
21 correct me if I'm wrong, that this applies to
22 both allegations of abuse and neglect; is that
23 correct?

1 SENATOR GOODMAN: That's correct.

2 SENATOR DOLLINGER: So you could
3 have someone who had an unfounded allegation of
4 neglect and yet, when the records are unsealed,
5 the person who is accused of that unfounded -
6 which means it was investigated and they found
7 no evidence of it, no credible evidence of it -
8 would not have an opportunity to be heard prior
9 to the unsealing of the records and the transfer
10 to the Commissioner of Social Services for
11 distribution to the public; isn't that correct?

12 SENATOR GOODMAN: Sir, I
13 understand what you're driving at, but let me
14 repeat the example that I gave where you have a
15 cumulative situation where an individual
16 innocuous event is removed from the record and
17 then that event recurs. You have no frame of
18 reference and no capacity to go back to see, has
19 there been a pattern in this matter. It's the
20 notion of cumulative prospect that there is
21 abuse occurring which can not be revealed in a
22 single record, and that's why it's so imperative
23 that we retain these things under the protective

1 custody of a court so that they do not leak out
2 and so that they cannot be promiscuously abused
3 by a divorce attorney seeking to blacken the
4 reputation of one or the other of the parents,
5 and keep in mind that these are all matters that
6 involve unfounded reports, but when taken
7 together they give the right to the investigator
8 to say, This is not something which should be
9 dismissed out of hand but rather something which
10 requires an investigation.

11 It does not automatically indict
12 or suggest that there has been either
13 criminality or improper behavior, but it gives
14 the right to investigate and to make a deeper
15 examination of the attendant facts. That's what
16 this is all about. It triggers a second look
17 beneath the outer crust of a seemingly series -
18 innocuous series of circumstances so we can get
19 to the heart of the matter and let trained
20 workers, investigators, determine whether in
21 fact there's a problem.

22 They go into the home. They can
23 sense quickly or after a careful examination

1 whether there are circumstances in which the
2 parents are neglectful of the children. There
3 may be various indications that there is drug
4 abuse in the home. There could be whole
5 conjuries of sociological pathology going on
6 which can only be observed with an examination.

7 We've got to be able to unlock
8 that outer lock in order to get to the inner
9 situation and protect the child.

10 SENATOR DOLLINGER: I couldn't
11 agree with you more, Senator. I'm simply trying
12 -- if the Senator will continue to yield to a
13 question -- I'm simply trying to find out what
14 the term "legally sealed" means so we can find
15 out to whom this -- these documents will be
16 transferred.

17 Let me ask you a couple more
18 questions that might elucidate my concern. On
19 line number 12, it says that "*** such unfounded
20 reports may be unsealed and made available to a
21 local child protective service or a state agency
22 investigating a subsequent report of suspected
23 abuse."

1 Are district attorneys' offices
2 included within the scope of parties to whom
3 disclosure would be made?

4 SENATOR GOODMAN: Part of the
5 bill?

6 SENATOR DOLLINGER: Page 10.

7 SENATOR GOODMAN: Page 10, line
8 12.

9 SENATOR DOLLINGER: This is in
10 the section that deals with legally sealing the
11 records.

12 SENATOR GOODMAN: Just a second,
13 Senator. I'll try to get you as good a legal
14 response as I can.

15 SENATOR DOLLINGER: That's fine.

16 SENATOR GOODMAN: I refer you to
17 lines 14 and what follows, 14, 15, 16, 17. It
18 states, the commissioner -- the division -- here
19 we go.

20 "Such unfounded reports may only
21 be unsealed and made available to a local child
22 protective service or to the Department, the
23 Commission on Quality of Care for the Mentally

1 Disabled, Division for Youth or the Department
2 of Mental Hygiene when investigating a
3 subsequent report of suspected abuse or mal
4 treatment involving a child named in the
5 unfounded report."

6 So the answer is no, the district
7 attorney is not included in this.

8 SENATOR DOLLINGER: O.K.

9 THE PRESIDENT: Senator
10 Dollinger.

11 SENATOR DOLLINGER: Would the
12 Senator continue to yield.

13 SENATOR GOODMAN: Yes.

14 THE PRESIDENT: Senator Goodman.

15 SENATOR DOLLINGER: I note that
16 parents and family members are also not included
17 within the scope of permissible disclosure. Why
18 is that?

19 SENATOR GOODMAN: Why should they
20 be?

21 SENATOR DOLLINGER: Well, perhaps
22 the father would like to find out if there were
23 an allegation made against the mother that was

1 determined to be unfounded. Should a father
2 have a right to disclosure of the report so that
3 the father could be more vigilant in his
4 observation of the child if he suspects this
5 abuse?

6 SENATOR GOODMAN: Well, that
7 sounds good, but suppose the father is having a
8 knock-down drag-out battle with the mother over
9 custody or the matters pertaining to their
10 divorce and seeks to use this as a lever to
11 obtain his demands against the mother. We
12 certainly don't want to give him that weapon, do
13 we?

14 SENATOR DOLLINGER: Well, but
15 again through you, Madam President, don't you
16 think the parent of a child should have access
17 to a report and a conclusion that government
18 knows that there's an unfounded allegation of
19 child abuse against his child? Shouldn't a
20 parent have access to that report as well?

21 SENATOR GOODMAN: Madam
22 President, we have deliberately circumscribed
23 this so that the only people who have the access

1 are the names I just read to you, namely, the
2 professionals who are charged with the objective
3 capacity to investigate the circumstances. We
4 are not including within this circle a whole
5 range of others, including the parents, for the
6 reason I just mentioned.

7 THE PRESIDENT: Senator
8 Dollinger.

9 SENATOR DOLLINGER: But again
10 through you, Madam President, if there's no
11 evidence of it being used for custody purposes
12 and no evidence it will be used adversely by a
13 parent, should government have information about
14 the custody -- welfare of a child that a parent
15 can't get?

16 SENATOR GOODMAN: I think I've
17 answered it to the best of my ability, Senator.
18 I'm not sure I can give you further elucidation
19 on your problem.

20 SENATOR DOLLINGER: O.K. One
21 other question on this section, Mr. Chairman, if
22 he will continue to yield.

23 THE PRESIDENT: Senator Goodman.

1 SENATOR DOLLINGER: And I am
2 working off an earlier print, Senator, and
3 perhaps you can clarify it for me. Does this
4 still contain the language that says that the
5 report that's -- what happens is the records are
6 unsealed. An investigation is conducted. As I
7 understand it, the prior draft said that the
8 conclusion cannot be based solely on the prior
9 report.

10 Is that language included in the
11 final print?

12 SENATOR GOODMAN: It is.

13 SENATOR DOLLINGER: If it can't
14 solely be -

15 SENATOR GOODMAN: Lines 20
16 through 22, I'm advised, contain the answer to
17 your question.

18 SENATOR DOLLINGER: O.K. If it
19 can't be solely based on that, can it be partly
20 based on an unfounded conclusion?

21 SENATOR GOODMAN: Can what be
22 partly based?

23 SENATOR DOLLINGER: Can the

1 conclusion of the investigation conducted -
2 Remember, as I understand this, there's a
3 complaint that's determined to be unfounded.
4 It's sealed. There's a subsequent complaint.
5 It is -- the records of the first unfounded
6 conclusion are then unsealed. There's an
7 investigation that includes a review of the
8 unsealed material and the new material, and then
9 a conclusion drawn again.

10 I'm trying to find out, can the
11 second conclusion be based partly upon the
12 unfounded allegation in the first instance?

13 SENATOR GOODMAN: Oh,
14 absolutely.

15 What I've spoken of is the
16 pattern. The pattern involves a series of
17 individual conclusions, each of which appears on
18 its face to be innocuous, but when taken
19 collectively indicate a clear pattern and
20 something that's quite suspect.

21 If your child is found to have a
22 bruise on its cheek which you say occurred as a
23 result of its colliding in his -- turning over

1 in his crib and hitting the slats in the crib,
2 one time, that means nothing. Twice it's an
3 eyebrow raiser; three times it's a red flag and
4 four times it's an emergency siren.

5 SENATOR DOLLINGER: O.K.

6 SENATOR GOODMAN: Obviously each
7 one, in and of itself, is innocuous but if you
8 don't know that the other ones exist, you have
9 no sense that there's something wrong here.
10 There's smoke and there's fire.

11 SENATOR DOLLINGER: O.K. It can
12 be partly based then on the prior, even though
13 it was found to be unfounded.

14 SENATOR GOODMAN: Absolutely.
15 That's the whole muscle of the provision.

16 SENATOR DOLLINGER: O.K. Again,
17 if I could just continue, Madam President -

18 THE PRESIDENT: Senator
19 Dollinger.

20 SENATOR DOLLINGER: -- with
21 another section just to make sure I understand
22 it.

23 SENATOR GOODMAN: Is this -- are

1 you still asking me to yield, Senator?

2 SENATOR DOLLINGER: Yes, if you
3 would, Mr. Chairman.

4 SENATOR GOODMAN: Yes, I will.

5 SENATOR DOLLINGER: Could we turn
6 to Section 12 of the bill, page 13, Section 422
7 (a), where it talks about the disclosure by
8 Human Services Commissioner.

9 SENATOR GOODMAN: Please, what
10 lines?

11 SENATOR DOLLINGER: The lines 29
12 through 33. It talks about the Commissioner
13 making -- of Social Services in each county
14 making a determination that the release of the
15 disclosure of the information "shall not be
16 contrary to the best interests of the child."

17 My question is, in many of our
18 statutes, we use the "best interests of the
19 child" test. Why was it phrased in that fashion
20 that it's not "contrary to the best interests of
21 the child?" Why didn't the statute simply say
22 that it's determined that it's in the best
23 interests of the child to do it? Why did you

1 use the negative?

2 SENATOR GOODMAN: In other words,
3 why did I use the double negative instead of the
4 positive?

5 SENATOR DOLLINGER: Why did you
6 use the double negative instead of the
7 positive?

8 SENATOR GOODMAN: Why did I
9 reverse the zypher instead of inverting the
10 ipsit? Senator, it says the same thing whether
11 it's got a double negative or a single positive.

12 SENATOR DOLLINGER: So you don't
13 intend to deviate from that line of case law
14 that talks about these determinations being in
15 the best interests of the child?

16 SENATOR GOODMAN: I hope we will
17 not engage in any deviant behavior in regard to
18 this bill, Senator.

19 SENATOR DOLLINGER: O.K. Again,
20 through you, Madam President, if the chairman
21 will continue to yield.

22 THE PRESIDENT: Senator Dollinger.

23 SENATOR DOLLINGER: What is the

1 parents' role in that disclosure? It's not
2 discussed in that portion of the bill. There's
3 no role for the parents in determining the best
4 interests of the child in the disclosure in the
5 bill, is there?

6 SENATOR GOODMAN: I think the
7 best interest of the child is inexorably bound
8 up with its relationship to the parent.

9 SENATOR DOLLINGER: Again,
10 through you, Madam President. Is there anything
11 in this statute -

12 SENATOR GOODMAN: Try lines 32 and
13 33.

14 SENATOR DOLLINGER: 32 and 33?

15 SENATOR GOODMAN: It says such
16 disclosure shall not be contrary to the best
17 interests of the child, the child's siblings and
18 other children in the household when any one of
19 the following factors are present, and it
20 enumerates same.

21 SENATOR DOLLINGER: Again I -
22 again through you, Madam President, if the
23 chairman will continue to yield.

1 Is there anything in this statute
2 that -

3 SENATOR GOODMAN: Excuse me, if I
4 may, just to complete my answer: Page 14, sub
5 5, line 35, in determining -- well, you can read
6 it for yourself.

7 SENATOR DOLLINGER: I -- again
8 through you, Madam President.

9 THE PRESIDENT: Senator
10 Dollinger.

11 SENATOR DOLLINGER: If the
12 chairman will continue to yield.

13 SENATOR GOODMAN: Yes.

14 SENATOR DOLLINGER: The reason
15 why I asked that question, Senator, is there
16 anything in this bill that gives a parent notice
17 of the fact that disclosure is going to be -
18 occur, and an opportunity to be heard prior to
19 having the Commissioner of Social Services
20 determine what's in the best interest of their
21 children?

22 SENATOR GOODMAN: No.

23 SENATOR DOLLINGER: So a parent

1 wouldn't even necessarily get the opportunity to
2 be heard prior to the Commissioner of Social
3 Services determining that this is in the best
4 interest of their child and their family and
5 everybody else in their family?

6 SENATOR GOODMAN: May I just
7 refer you back to the broad circumstances of
8 what we're talking about. Let's not lose track
9 of this by getting into too close a flyspeck.

10 What is happening is that there
11 is a reason to suppose from cumulative evidence
12 that there is a problem. The investigator goes
13 into the home. At that point the investigator
14 -- if the investigator has any competence at
15 all -- will obviously speak to the parent or
16 parents who are present in the home, so that the
17 parent or parents have every opportunity to
18 indicate to the investigator the attendant
19 circumstances.

20 I think that we've got to just be
21 sure that our common sense compass is not de
22 magnetized as we discuss this. There is a
23 purpose that is clearly discernible in the bill

1 which is to say that when you have cumulative
2 evidence of a problem that is not tantamount to
3 a conviction. It is simply a trigger which
4 permits a proper and, hopefully, objective and
5 professional investigation of the facts, all of
6 which are now adduced by an alert investigator,
7 we hope, who goes into the home or wherever the
8 child is and tries to find out what's cooking.

9 SENATOR DOLLINGER: Again,
10 through you, Madam President, if the chairman
11 will continue to yield.

12 THE PRESIDENT: Senator Dollinger.

13 SENATOR DOLLINGER: I agree with
14 that, Senator, but this section of the bill
15 doesn't deal with the investigation. This deals
16 with disclosure by the Commissioner of Social
17 Services. He's already done the job that you
18 discussed which is to go out and find out all
19 the material that he can and, if he concludes
20 that there's abuse or neglect, he has, under our
21 current statute, all kinds of remedies that he
22 can pursue.

23 This section of the law, 422 (a),

1 deals with disclosure by him of public
2 information. My question is, is there anything
3 in this statute that gives a parent the right to
4 go into state Supreme Court and say, Disclosure
5 of this is not in the best interests of my
6 family? Whether it's right or wrong; they may
7 be the perpetrator of this violence, I
8 acknowledge that, but they also simply may be
9 the parent for whom a teacher has abused a child
10 or a physician has abused a child or an older
11 child has abused their child, and my question
12 is, does a parent have a right to go in and ask
13 the courts not to disclose the information
14 because the parent believes it not in the best
15 interest of the child, the family or his
16 siblings or its siblings.

17 SENATOR GOODMAN: It would be my
18 judgment that the parent should not have that
19 right at that point. The parent is in a
20 situation where the parent will have been seen
21 and spoken to by the investigator, and the facts
22 of the case, all that seem to be relevant, will
23 have been gone into hopefully in excruciating

1 detail and, if there is a reason why the child's
2 interest or the parents' interest is negatively
3 impacted by this, that will come out in the
4 discussion with the investigator.

5 I think what you're trying to do
6 here is to really take us back in time into the
7 circumstances which made it possible for the
8 death of Elisa Izquierdo to occur, by in effect
9 making it impossible for us to get a clear
10 understanding of what goes on in these cases.

11 SENATOR DOLLINGER: But -

12 SENATOR GOODMAN: This tries to,
13 I think you're inadvertently, not with intent,
14 clamping down a veil once again, which is the
15 very purpose that the bill seeks to avoid.

16 SENATOR DOLLINGER: Again,
17 Senator, with all due respect, I think what I'm
18 trying to focus on is simply the disclosure
19 opportunity and to suggest that the disclosure
20 by the Commissioner of Public Services -- of
21 Social Services, after the investigation is
22 conducted -- I agree with you that we need
23 unfounded allegations; I agree with the concept

1 of legally unsealing them, although I'm still
2 not quite sure what that means. I'm suggesting
3 that this section which deals with the right of
4 the Commissioner of Social Service to give
5 public information about allegations of abuse
6 and neglect, that at no point in this bill is
7 there any provision for a parent to stand up and
8 say, "I don't want the Commissioner of Social
9 Services in Monroe County to decide what's in
10 the best interest of my family without hearing
11 from me."

12 Don't you think parents should
13 have that right?

14 SENATOR GOODMAN: That's not the
15 issue. The issue is not whether they should be
16 heard from, but whether as you've just inquired
17 in this particular question whether they should
18 have the right to muzzle the Social Service
19 Commissioner before he releases the information
20 to the interested public.

21 In my judgment, it's a matter of
22 personal opinion, and the answer is no.

23 SENATOR DOLLINGER: I -- I guess

1 I -- that's an area where I strongly disagree
2 that the Commissioner of Social Services should
3 be deciding what's in the best interest of my
4 family without hearing, at least having the
5 obligation to hear from me.

6 SENATOR GOODMAN: Senator, the
7 beauty of our system -- Madam President, the
8 beauty of our system is that each Senator has a
9 right to draw his own conclusions in these
10 matters.

11 SENATOR DOLLINGER: Just one
12 final question on the disclosure issue, and
13 again I was working off an earlier draft. I
14 want to make sure I'm up to date on this. The
15 Section 7 that deals with the -

16 SENATOR GOODMAN: Page, please,
17 and line.

18 SENATOR DOLLINGER: Page 14, that
19 deals with the disclosure of medical information
20 regarding a child's psychiatric information.

21 SENATOR GOODMAN: What line are
22 you on, Senator, if you please?

23 SENATOR DOLLINGER: Line 48, page

1 14, line 48 through 55. This is the section
2 that says, even though we're allowing them to
3 release information about the investigation, we
4 are nonetheless not telling them that they can
5 release other private information about the
6 child, their medical records, their therapy
7 records, their mental health records. Yet
8 nowhere in there -- well, it does say that they
9 have to consult with the city or county -
10 social services commissioner has to consult with
11 the local mental hygiene director, but nowhere
12 in there does it suggest that they have to
13 consult with the parents. If doesn't contain -
14 there's nothing that says that it's the parents'
15 authority to control the release of that
16 information.

17 SENATOR GOODMAN: That's correct.

18 SENATOR DOLLINGER: O.K. So the
19 parents don't get to be heard on that issue
20 either.

21 SENATOR GOODMAN: That's correct.

22 SENATOR DOLLINGER: Madam
23 Chairman. Thank you very much, Mr. Chairman.

1 SENATOR GOODMAN: Thank you,
2 Senator.

3 SENATOR DOLLINGER: I'll just
4 address the bill if I could, for a minute, and
5 then I'll sit down.

6 I've asked these questions
7 because I believe I guess, as Senator Saland
8 does, that this bill was hastily drafted. I
9 think it needs a great deal of attention to make
10 sure that we balance the need of government, and
11 I couldn't agree with Senator Goodman more that
12 we need government to protect our children, but
13 we've got to realize the parents are a part of
14 that system and, if a -- maybe if this bill were
15 written and said, if the parent is the person
16 against whom abuse or neglect is alleged, then
17 you don't need the approval of a parent to
18 unseal the records or you don't need to hear
19 from that parent before the records are
20 unsealed, or you don't need to hear from that
21 parent before you release their medical records,
22 or you don't need to hear from that parent
23 before this Commissioner of Social Services

1 decides that it's in the best interest of the
2 family that the records be disclosed. That type
3 of protection for parents is missing from this
4 bill.

5 I believe it was hastily drafted
6 and someone didn't think of even including a
7 parent as a possible decision-maker because
8 oftentimes abuse and neglect will not be as the
9 result of a parent. It could be the result of a
10 teacher or a friend or a family friend or the
11 neighbor next door and this statute doesn't
12 provide for a parent to be -- to have any role
13 in making that process.

14 I think this bill -- I'm still
15 going to vote in favor of it. I still think it
16 moves in the right direction, but it needs
17 work. I wish it had gone as far to include the
18 State Investigations Commission, all of their
19 recommendations, so that we broaden the
20 protections, and I have another tragedy that I
21 want to just briefly touch on.

22 I believe that the greatest
23 tragedy we could do this year, the greatest

1 tragedy that this Legislature could do this
2 year, to take our families in this state that
3 are under stress and stress them some more.
4 Take away their health care, cut their AFDC
5 benefits by 25 percent, and you know what? They
6 won't be seen by doctors who will see patterns
7 of child abuse. They may not show up in school
8 and be seen by teachers who will detect patterns
9 of child abuse. They may not be seen by case
10 workers who will be able to look at them and see
11 whether they're victims of abuse or not. I
12 think that the issue is, are we committing a
13 tragedy by cutting our support for families in
14 this state? That would be a far greater tragedy
15 than anything else we could do.

16 Sometimes we have to put our
17 money where our mouth is. If our mouth says
18 we're here to protect children, let's put our
19 money there too.

20 THE PRESIDENT: Senator Hoblock.

21 SENATOR HOBLOCK: Thank you,
22 Madam President.

23 I, too, want to add my congrat

1 ulations to Senator Goodman and some of the
2 others that worked on this legislation, and I
3 think as we're hearing and as we hear on several
4 pieces of legislation that come before this
5 house, nothing is perfect and while this may not
6 be the perfect solution, but I think it goes
7 beyond just a step in the right direction and,
8 no, I don't think it was put together hastily.

9 I think the problem that we're
10 talking about in terms of this legislation is
11 the creation of the balance that's necessary,
12 the balance between the safeguards of privacy
13 and the interests of our children, and how do
14 you reach that balance; and I'm not sure that
15 there is a perfect answer; and I think one thing
16 that has to occur with this legislation and I
17 think others have mentioned it, I don't think we
18 ought to forget the issue after this afternoon.

19 This legislation and this issue
20 has got to be revisited and it's got to be
21 looked at and there's got to be accountability
22 of the agencies that are going to be involved in
23 all aspects of this legislation.

1 In this 20-plus years that I've
2 practiced various aspects of matrimonial law,
3 when you're in the height of litigation, when
4 you're arguing divorce, child custody, support
5 and all those type issues, the emotion takes
6 over. It's not the head that's controlling.
7 It's the heart, and there's lots of things that
8 are said, lots of actions that are taken that
9 are not intended at the time they are, and the
10 consequences are lived with by the parties
11 thereafter and, unfortunately, in most of those
12 cases, most of those cases, it's the children,
13 it's the kids that are used as the wedge.
14 They're the bartering. They're the ones that
15 are thrown in the middle and tugged back and
16 forth, and my concern in trying to bring about
17 accountability with this legislation and having
18 this body review it, whether it be six months
19 from now or whatever period, is that we do not
20 allow anybody to take advantage and abuse what
21 it is we're trying to accomplish, and what we're
22 trying to accomplish with this legislation is
23 protection of our kids and protection of those

1 that are going to be used in the middle of that
2 argument and be torn back and forth.

3 It's unfortunate that we even
4 have to deal with this issue in having
5 government step in when parents can't do what
6 they're supposed to do or parents are
7 irresponsible or parents have got problems and
8 they take it out on their kids, and we have a
9 responsibility of protecting them, and this is
10 the way we do it.

11 But I'm also concerned that it
12 not be used as that tool and that's why we need
13 to revisit and that's why we need to go forward
14 from today and not forget this as being the
15 solution and walk away and think that we've all
16 done the right thing because I'd like to see
17 what's going to happen in six months from now
18 and see whether in those isolated cases it's
19 taken advantage of, and maybe we're going to
20 have to make some changes, but I think it is
21 more than one step in the right direction and
22 again, Senator Goodman, I congratulate you on
23 bringing this forth, and I'm proud to be a

1 co-sponsor with you.

2 Thank you, Madam President.

3 THE PRESIDENT: Thank you,
4 Senator Hoblock.

5 Senator Montgomery.

6 SENATOR MONTGOMERY: Thank you,
7 Madam President.

8 Just very briefly, I, too, want
9 to compliment Senator Goodman. I know he's been
10 working on this issue for a very long time, as
11 well as Senator Saland, and I -- I am happy that
12 some of the critical aspects of how we -- how we
13 are able to -- to investigate the whole issue of
14 child abuse have been addressed.

15 I am also happy to know that
16 since Elisa was in school in an early childhood
17 program in my district at the Brooklyn YWCA, and
18 her family was being -- was being seen or at
19 least part of her family was being seen by
20 another agency also in my district, and when I
21 invited those, along with other groups who serve
22 children and families, to attend a meeting to
23 discuss what just -- what their experiences have

1 been and how they have tried to address this
2 issue and what they felt about this case and the
3 possible legislative approach to it, one of the
4 things -- a glaring omission was that the system
5 is not set up so that their work with that
6 family, between the two agencies or three
7 agencies or however many agencies were involved
8 with them, were not talking to each other.
9 There was not the kind of coordination which
10 allows them to create a network or build
11 essentially a pool of services around that
12 family so that they could more adequately assist
13 them; so that this child fell through the
14 cracks.

15 However -- and the bill -- this
16 bill does try to address that issue. However, I
17 just want to remind my colleagues as other -
18 others of us who have spoken today have already
19 reminded us -- each other and ourselves, that
20 what happened to Elisa is only symptomatic of a
21 kind of dysfunctionality of a family, and I
22 think that when, you know, all of us believe
23 very strongly in family values and supporting

1 families, so we still have a very important
2 aspect of supporting families and strengthening
3 families and dealing with this kind of
4 dysfunctionality that will come before us
5 between now and, hopefully, June and that is our
6 state budget, and as several colleagues have
7 already alluded to, we have a budget coming
8 before us that proposes to cut the basic grants,
9 to cut health services, to -- to eliminate a
10 very important piece of school-based health and
11 that is mental health services for children in
12 school-based clinics. We have our school-based
13 health clinic program cut. We have really
14 essentially, when we look at the budget that is
15 being proposed that will be presented to us,
16 that budget undermines the basic strength and
17 the ability of families to exist, to be whole,
18 and to not be dysfunctional and, in addition to
19 that, there is a proposal to cut them off
20 altogether after a certain point and we have not
21 created jobs to compensate for the fact that we
22 intend to remove all sources of any kind of
23 income to families, to a certain number of

1 families in the state, and these are the
2 families that are going to abuse their children;
3 and so what we are able to do, what we can have
4 a consensus on, is that we create an opportunity
5 to make them criminals, to criminalize the
6 process without doing what is necessary to
7 prevent it. We're criminalizing families, and
8 we're criminalizing social workers and all
9 people in between, through the process.

10 So obviously if someone kills a
11 child, it is a criminal act and we have to treat
12 it as such, so I'm not saying that, but I am
13 saying that we are not at the same time making
14 it possible to, in fact, prevent this kind of
15 pathology and breakdown in families so that more
16 and more children are abused. So, yes, we're
17 going to have more cases like this.

18 At least Senator Goodman's bill
19 will take care of those that are going to be
20 continuing to come downstream, but Senator
21 Goodman and Senator Saland and Senator Bruno and
22 all of those in the leadership and the power
23 positions, I want to tell you that we've got to

1 do more than this, because if we don't do what
2 is necessary to protect and to support families,
3 we're not swimming upstream at all. We're not
4 addressing the problem. We're just addressing
5 the symptom of a far deeper problem.

6 Thank you, Madam President.

7 THE PRESIDENT: Thank you,
8 Senator Montgomery.

9 Senator Oppenheimer.

10 SENATOR OPPENHEIMER: I, too,
11 want to congratulate Senator Goodman and the
12 work that Senator Saland has done, but I do want
13 to pick up on something that Senator Montgomery
14 has mentioned and has been mentioned by others.

15 We are seeing in our state more
16 families becoming dysfunctional, and they're
17 becoming -- they're becoming dysfunctional for a
18 number of reasons, many of which are no fault of
19 their own. We are seeing a large reduction in
20 the number of families, where one or both
21 parents are now unemployed, having been employed
22 in some instances for many, many years and they
23 now find themselves one year, two years into

1 unemployment finding it almost impossible to
2 find the jobs that were taken from them due to
3 down-sizing of most of our major corporations,
4 not only in New York and certainly more
5 specifically in Westchester, but really through
6 much of the country.

7 These people, not only these
8 people but the many people that in the past -
9 this is a newer problem, but people that in the
10 past have had serious pathologies that were
11 mentioned earlier, need the assistance of our
12 mental health clinics, need the assistance of
13 our school clinics for their children, need the
14 assistance of the family clinics in many of our
15 less affluent or poorer neighborhoods, need the
16 help that comes from the special education for a
17 child that is either very disruptive or has some
18 physical disability. These are the very
19 services that are being cut back, and the case
20 workers are being cut back, the social workers
21 are being cut back, the very supports that
22 families need to stay together and to be
23 functioning in our economy and in our society,

1 and I agree with the simple statement that was
2 made by Senator Dollinger that, if we are going
3 to talk about how we care for children and how
4 we care for families, I think this state has to
5 take another look at this budget because it
6 certainly says to me, we don't seem to care at
7 all about our families.

8 Thank you.

9 THE PRESIDENT: Senator Wright.

10 SENATOR WRIGHT: Thank you, Madam
11 President.

12 I, too, rise to join my
13 colleagues and wish to commend Senator Goodman
14 and congratulate him on this, and it's for the
15 reason that's reflected in the bill that I've
16 co-sponsored the bill; but I've also in my life
17 had the experience that one of my colleagues
18 referred to, and that is to serve as a child
19 protective worker. They're not easy decisions
20 to make. It's not a simple choice being
21 indicated and unfounded. In fact, they're very
22 difficult decisions that one has to make when
23 they're out there frequently just in the home,

1 in the field and just making decisions that are
2 going to impact children and their family and
3 their lives. It's not anything that anyone
4 takes very lightly, obviously as a young case
5 worker making those kind of choices and those
6 kind of decisions.

7 In talking with people who remain
8 in the field, and my colleagues, one of their
9 concerns remains the issue of unfounded reports
10 being used as retaliatory mechanisms and, as
11 several of our colleagues have pointed out this
12 afternoon, that unfortunately usually involves a
13 domestic relationships, some of matrimonial
14 issues, and one of my concerns -- and I would
15 echo some of the concerns that Senator Saland
16 has raised, is that concern about retaliatory
17 reporting and creating additional burdens,
18 additional work loads upon those individuals
19 already practicing in the child protective
20 field.

21 I don't think we want to
22 intentionally encourage bad reporting simply
23 because someone in a dispute wants to create a

1 pattern and wants to establish a pattern in a
2 retaliatory vindictive manner. Now, I raise
3 those issues because I think they're concerns
4 that need to be considered. They do not detract
5 from the overall objective of this bill, which
6 is why, given my background, I've co-sponsored
7 the bill. I support the bill, and I intend to
8 vote yes for the bill, but I also want to
9 acknowledge Senator Saland's issues because I
10 believe they are valid issues, and in terms of
11 our obligations to deal with the issue, I think
12 we also ought to be looking at the work load and
13 the obligations that were being placed upon
14 child protective workers.

15 Thank you, Madam President.

16 THE PRESIDENT: Senator
17 Marcellino.

18 SENATOR MARCELLINO: Madam
19 President, I don't wish to prolong this because
20 I see where we're going, but I think it's
21 important that the record state very clearly
22 that Senator Goodman has done a major service
23 and the people that work with him, has done a

1 major service to the children and the families
2 of the state of New York and the people of the
3 state of New York and he is and they are to be
4 congratulated for it.

5 I, too, worked in the field for
6 20 years, a school teacher in the city of New
7 York, saw the effects of child abuse, saw the
8 effects of dysfunctional families and saw the
9 need for help and working together between
10 agencies which has been sorely lacking, and I
11 think that is one of the things that Senator
12 Goodman in his legislation is trying to
13 address.

14 I look forward to working with my
15 colleagues and with Senator Saland, because I'm
16 a co... I'm on that committee of Children and
17 Families, to address some of the concerns and
18 many or all of the concerns that have been
19 raised here. I share them.

20 Senator Wright has put it
21 succinctly. We need to go forward on this
22 legislation. It's most important that it be in
23 place, and then we can move and correct whatever

1 deficiencies we find in the law as quickly as we
2 possibly can.

3 This is a good bill, and it
4 deserves passage.

5 THE PRESIDENT: Thank you.

6 Read the last section, please.

7 THE SECRETARY: Section 22. This
8 act shall take effect immediately.

9 THE PRESIDENT: Call the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 56.

12 THE PRESIDENT: This bill to
13 protect our children from abuse is passed.

14 Senator Skelos.

15 SENATOR SKELOS: Madam President,
16 if we could return to motions and resolutions, I
17 believe there is a resolution at the desk. I
18 ask the resolution be read in its entirety and
19 move for its immediate adoption.

20 THE PRESIDENT: The Secretary
21 will read.

22 THE SECRETARY: By Senators
23 Connor, Bruno, and all members of the Senate:

1 Legislative Resolution, honoring the memory and
2 celebrating the life of the late New York State
3 Senator Joseph L. Galiber.

4 Whereas, state Senator Joseph L.
5 Galiber, a member of the New York State
6 Legislature since his initial election to the
7 Senate in 1968, passed away at the age of 71 on
8 November 21, 1995;

9 The death of Senator Joseph L.
10 Galiber, a deeply respected and highly regarded
11 public servant, leaves a tremendous void in the
12 New York State Senate and in the communities he
13 served with such passion and dedication for more
14 than 25 years;

15 At the time of his death, Senator
16 Joseph L. Galiber was a representative of the
17 33rd state Senate District, which is comprised
18 of parts of Bronx County and the city of Mount
19 Vernon in Westchester County;

20 Senator Joseph L. Galiber was a
21 man of strong convictions who believed deeply in
22 the value of encouraging open debate and the
23 development of public policy and in felicitating

1 the honest exchange of diverse viewpoints;

2 Senator Joseph L. Galiber, widely
3 regarded as a true gentleman, who exemplified
4 all that is best about public service, was
5 deeply dedicated to his constituency and to the
6 belief that government can be a positive force
7 for improving people's lives;

8 Senator Joseph L. Galiber, who
9 was also a practicing attorney, earned a well
10 deserved reputation throughout his 27 years of
11 Senate service as a staunch and compassionate
12 champion for the needs of the poor, the
13 disabled, the elderly, children, and others who
14 often least able to advocate on their own
15 behalf;

16 Senator Joseph L. Galiber also
17 worked tirelessly throughout his Senate career
18 to advance the promise of equal opportunity and
19 civil rights for all people, to help expand and
20 improve educational opportunities for youth,
21 particularly in the New York City schools, and
22 to help implement job creation in economic
23 development programs of importance to all New

1 Yorkers;

2 Senator Joseph L. Galiber was so
3 highly committed to finding new and more
4 effective ways of combatting drug and alcohol
5 abuse, drug-related violence and crime, and to
6 reform New York State's criminal justice
7 policies;

8 Senator Joseph L. Galiber,
9 throughout his legislative career, held a
10 variety of influential positions including his
11 service as ranking Democratic member of the
12 Senate Finance Committee, chair of the Senate
13 Democratic Task Force on Affirmative Action,
14 chair of the New York State Black and Puerto
15 Rican Caucus, a member of the Governor's
16 Temporary Commission to Evaluate the Drug Laws
17 and as the chair of the Commission's
18 Subcommittee on Hard Drugs;

19 Senator Joseph L. Galiber also
20 served as a member of the Governor's Select
21 Committee on Correctional Services and Programs,
22 as a member of the Jones Commission impanelled
23 in response to the 1971 Attica State Prison

1 uprising, and as the Senate Democratic
2 Minority's appointment to the Temporary State
3 Commission on New York City's Schools;

4 Just prior to his election to the
5 Senate in 1968, Senator Joseph L. Galiber was
6 chosen to serve as a delegate to the 1967 state
7 Constitutional Convention, at which he was
8 appointed Assistant Majority Leader;

9 Senator Joseph L. Galiber, as
10 both a lawyer and legislator, worked just as
11 hard in his district as he did in Albany and
12 always held the needs and concerns of the
13 constituency uppermost, whether that meant
14 helping to lead a community fight against a
15 proposed medical waste incinerator or providing
16 aid and cheer to disadvantaged children during
17 the holiday season;

18 Senator Joseph L. Galiber, a New
19 York City native, graduated from local city
20 schools and rose to great heights of athletic
21 fame as a member of the City College of New York
22 Varsity LaCrosse and Basketball teams and as
23 co-captain of the celebrated 1949-50

1 "Cinderella" team that won the NIT and the NCAA
2 basketball championships;

3 Prior to attending the College of
4 the City of New York, Senator Joseph L. Galiber,
5 a World War II veteran, served his country in
6 the United States Army from July 1943 to
7 December 1945, rising to the position of staff
8 sergeant in the famous "Redball Express" under
9 the command of General George S. Patton;

10 Among other endeavors, Senator
11 Joseph L. Galiber worked 14 years with troubled
12 Bronx youth, helping them to aspire to a
13 brighter future in his capacity as a senior case
14 worker, and assistant to the director of the
15 Youth Council Bureau affiliated with the office
16 of the Bronx District Attorney;

17 Senator Joseph L. Galiber will be
18 deeply missed, both in the New York State
19 Legislature and in his community, by his
20 colleagues and his many friends and especially
21 his loving family.

22 NOW, THEREFORE, BE IT RESOLVED,
23 that this legislative body pause in its

1 deliberations to honor the memory of Senator
2 Joseph L. Galiber and to extend its deepest
3 sympathies to his father and mother, Joseph and
4 Ethel Galiber, his daughter Ruby Wint and his
5 two grandchildren, Sierra and Pamela Wint; and

6 BE IT FURTHER RESOLVED that a
7 copy of this resolution, suitably engrossed, be
8 transmitted to the family of the late state
9 Senator Joseph L. Galiber.

10 ACTING PRESIDENT MARCELLINO:
11 Senator Connor.

12 SENATOR CONNOR: Thank you, Mr.
13 President.

14 In just a few days I shall
15 complete serving 18 years in this body and
16 indeed when I arrived here those years ago, Joe
17 Galiber was already a legend to those of us who
18 were active in Democratic politics in New York
19 City. He was someone we all knew from a variety
20 of forums who by then had for quite some years,
21 been outspoken, courageous, led the charge for
22 justice, for fairness and for equality in our
23 society.

1 In the time I served here, Joe
2 was always a friend. He was always a gentleman
3 and, in fact, one of the most eloquent voices we
4 had on this floor, particularly on the issues he
5 cared very, very much about, and he did care
6 about some things quite specially.

7 He cared about questions of
8 justice and fairness. He cared certainly about
9 questions of civil rights and opportunity. He
10 cared very, very much about our youth and their
11 future. As the resolution testifies, before
12 Senator Galiber came to this body, he had gained
13 recognition and fame both as a concerned youth
14 worker, but before that as an athlete of great
15 prominence.

16 That certainly was the high
17 point, I guess, of New York City college
18 basketball history, that "Cinderella" team. As
19 we all know, that's not something that can
20 happen again, the NIT and the NCAA in the same
21 year by the same team, and it certainly deserves
22 to be in the record books and will stay there.

23 Senator Galiber, when I became

1 leader, he had always been supportive of my
2 aspirations and I went to visit him. He had
3 taken ill. Indeed he -- I guess he first
4 suffered his first major illness the day before
5 we met here -- "we" being my Democratic
6 colleagues -- to select a new leader, and a
7 couple weeks after that I went to see him. He
8 was out of the hospital. He was in
9 rehabilitation, and I went for a very, very
10 specific purpose besides seeing how he was doing
11 and that was, you know, it fell upon me to
12 decide who would be the deputy on this side, the
13 floor leader, and I know David Paterson knows
14 this story well.

15 I -- I first thought, of course,
16 of Joe. He was a very, very senior member, the
17 senior member so to speak, and as someone who
18 was, as we all know and was eloquent in debate
19 and also fair in debate, and I think my
20 colleagues on the other side of the aisle who
21 found themselves on a given bill as the opposing
22 side in a debate, know well that Joe Galiber had
23 a way of being intense, passionate, articulate

1 but never offensive, always well reasoned, never
2 personal in his articulation of the issue.

3 I don't think anyone, and you
4 know, some of us over on this side I guess
5 occasionally had to, because we do disagree on
6 occasion, you know, came to cross fires with Joe
7 on a bill, and you just knew he had a way of
8 presenting it that he made his point and he
9 never made you have feel though that he -- feel
10 either belittled or antagonistic in the least
11 bit. He certainly did have a way with words.
12 But I went to see Joe on that occasion and for
13 the purpose of saying, "As you know, Senator,
14 you're our senior eloquence so to speak, and I
15 would like you to be deputy," and Joe said, "You
16 know, Marty," he said, "that's what I always
17 wanted to be." I mean he loved this Senate so
18 much, and he said, "I always wanted to be the
19 floor man, but" he said, "my health, I owe it to
20 my family, I just can't do that because of my
21 health," but it wasn't a great sense of personal
22 ambition that he was expressing. It was his
23 incredible respect and regard for this Senate

1 and the way it always used to be, and a few
2 times in the last few years -- perhaps we've
3 forgotten that way it used to be, the way people
4 could differ, could differ with intensity and
5 passion and still it was mutual respect and
6 cameraderie, and Joe Galiber epitomized that and
7 that's his view of the Senate and his view of
8 the kind of debates that always took place on
9 this floor, and in which he played for so many
10 years a very, very significant part in those
11 debates, and if you look at the kind of
12 significant legislation and issues that the -
13 this Legislature and this Senate has dealt with
14 in those years since he was elected in 1968, you
15 can think of literally his influence spans
16 several generations, political generations.

17 I mean think about what the late
18 '60s were like, and I dare say some of my
19 colleagues on the other side of the aisle who
20 view themselves as quite conservative today
21 perhaps had a different view about some of the
22 issues of the day in the late '60s when they
23 dealt with things like decriminalizing marijuana

1 and then when we got into the '70s and other
2 issues came to the floor, and obviously the
3 public mood and the political spectrum is a
4 moving target and things have changed over those
5 decades, but always, always in each of those
6 decades significant issues came to the fore and
7 always during that time the voice of Joe Galiber
8 could be heard above the clamor, a voice of
9 reason, a calm voice of reason, but a voice of
10 passion.

11 The thing about Joe Galiber is,
12 as that moving target, that political spectrum
13 shifted, Joe Galiber always stood up for what he
14 believed to be right even when it wasn't
15 popular, and I think that's something to which
16 we, I would hope, can at least aspire to emulate
17 on some occasions.

18 Joe was also a warm human being.
19 I -- I remember those occasions that were always
20 fun for me that, if you all recall the Irish
21 Legislators Dinner, and Joe and Emma, for many
22 years, would join me and Joe always liked the
23 soda bread, and I always pointed out to Emma it

1 was made with -- soda bread, if you make it the
2 right way is made with buttermilk, doesn't have
3 any cholesterol, doesn't have any fat and Joe
4 only had to hear that to eat about a loaf of
5 it. In fact, on many an occasion I went back
6 and made him some soda bread and brought it in
7 the next day, some of my own home made, but in
8 fact, on those occasions, Joe Galiber, not the
9 Senator, Joe Galiber the man, came through and
10 he was indeed quite a man.

11 You know, during the last year
12 when he was not with us for most of the year
13 because of illness, I talked to Joe once or
14 twice a week. Many times he was in the
15 hospital. He would always start every
16 conversation the same way: "How's the family?"
17 Say, "Fine. How's your family, Joe?" And he was
18 so proud of his family. He was so proud of his
19 granddaughters, Sierra and Pamela, and he was so
20 proud of his daughter Ruby and his son-in-law
21 Carl and, of course, he was so respectful of the
22 fact that Joe Galiber was no kid but his parents
23 were living and indeed survived him and, as this

1 resolution says, certainly my heart goes out to
2 them as does the Senate, and we have with us to
3 day in the gallery, Senator Galiber's daughter,
4 Ruby Wint, and his beloved son-in-law Carlton
5 Wint, and I know others will have comments but I
6 would remind all of you, and you got it in
7 writing, that after the session there will be a
8 reception with the family in the Minority
9 Conference Room, and you are all indeed
10 invited.

11 Thank you.

12 ACTING PRESIDENT MARCELLINO:

13 Senator Waldon.

14 SENATOR WALDON: Thank you very
15 much, Mr. President.

16 My colleagues, to Ruby and the
17 family, in public life there are "wannabes",
18 pretenders, newly arrived achievers, established
19 stars, and icons. Joe Galiber was an icon. He
20 was truly a legend in his own time. He was so
21 much a part of the political fabric not only of
22 New York City but New York State, and if you
23 traveled around New York with the legislative

1 associations, across these United States.

2 Whatever made politics work,
3 there was an indelible imprint of Joe Galiber
4 upon that process. He was the quintessential
5 gentleman. He was urbane. He was witty. He
6 was polite to a fault and, in this business, Joe
7 had a quality which is not too often found in
8 sufficient quantity. He was a good listener.
9 He not only listened to his constituents. He
10 listened to those of us who were his
11 colleagues. He listened to the lobbyists. He
12 listened if there were any on this earth, I
13 believe, even to his enemies.

14 He was a big man, a warm man.
15 When Joe Galiber walked into a room, his
16 presence filled the place. When I came here as
17 a young Assemblyman and I would come over to the
18 upper house to watch how the real deal was done,
19 I recall how his voice resonated through the
20 this chamber, and later on I came to work with
21 him as a member of this distinguished body which
22 he so loved, and his voice resonated, still
23 speaking rightfully to those issues which he

1 felt were important, and most of the times the
2 issues that he felt were important were those
3 which created equity so that everybody, no
4 matter how tall, no matter how small, had a shot
5 at realizing their fullest potential in this
6 state.

7 He skillfully questioned the
8 proposals of those of us who brought bills
9 before this body. He did things the old
10 fashioned way. There was a classic approach
11 that Joe had in terms of making this process
12 work. You know, some people call it, if you
13 scratch my back today I'll scratch your back
14 tomorrow; but Joe could do that better than
15 anyone I knew up here. I knew of no one and
16 know of no one who was more respected on the
17 other side, and John Marchi can attest to this;
18 Hugh Farley can attest to this, no one more
19 respected than Joe Galiber.

20 Not that there wasn't partisan
21 politics practiced throughout his 28 years here,
22 but he had an ability to relate to people on a
23 different level. He taught me that friendships

1 and relationships are more important than
2 politics. He could touch the flesh of those
3 that he met in a special way so that people
4 highly respected him -- not just respected him,
5 highly respected him. He looked you in the
6 eye. He kept his word. He was an honorable
7 man.

8 The thing that I would like to
9 say in terms of if I could create a profile
10 about Joe Galiber is that he was a person of
11 substance. There was meaning to what he did up
12 here. He wasn't frivolous. Some of us posture
13 a little bit too much, and we believe what the
14 press says, that we are the "I Am". Joe was a
15 man of substance. He had savvy. He understood
16 this place; he understood this process. Not
17 everyone who comes here truly understands how to
18 come along and get along and make the process
19 work so that your constituents are well taken
20 care of, and you don't do so in such an
21 oppressive way as the people are jealous of what
22 you achieve.

23 Joe had savoir faire, a kind of

1 sophistication, a kind of worldliness that
2 allowed him to see the global perspective. He
3 was sensitive. I don't know of anyone that I
4 met during my travels up here who felt that Joe
5 was condescending. He related to all of us on
6 our level or on a level that was mutually
7 agreeable and acceptable to he and the person he
8 was relating to at the moment.

9 But I think, if I were to leave a
10 thought with the family about Joe, about one
11 thing which I will hold dear from now on, and I
12 will remember most, is that Joe had style. The
13 brother had style. The derby, the stickpin in
14 the tie, the tailored clothes, the slicker rain
15 coat, that just made a statement. He had
16 style. I don't think that style will ever
17 return to this place, nor would I want it to.

18 I think the mark that Joe Galiber
19 has made upon this chamber will be with us
20 forever.

21 Thank you very much.

22 ACTING PRESIDENT MARCELLINO:

23 Senator Marchi.

1 SENATOR MARCHI: When Senator
2 Galiber was -- there was an observance in his
3 home county. I don't think I've ever attended
4 an observance of that nature that was as
5 inspiring, because of the individual that was
6 being noticed, and I must say very publicly it
7 was presided over with matchless dignity and
8 grace by Senator Paterson, and it required all
9 of that because of the testimony that was
10 adduced.

11 There were family members; there
12 were members from the public community, from the
13 people. It was just hours of incredible
14 inspiration that he inspired. The sentiments
15 were genuine. They were heartfelt, and we were
16 all deeply moved by the message that was
17 carried.

18 Wonderful family! Joe Galiber,
19 when I first met him, was at the Constitutional
20 Convention. If there ever was a patrician, a
21 man of nobility, a man who, if we were to
22 examine his forebears far enough, I'm sure, must
23 have had kings, because he evidenced that

1 quality. It was imposing. He conveyed that
2 moral strength and that physical bearing that
3 was deeply moving and inspiring.

4 I remember him when he addressed
5 the Convention in one of his more moving
6 addresses about fair trials, how he suggested
7 that we ought to keep fairly much on the British
8 style, the media at bay, to prevent what he
9 called then -- this is 29 years ago -- "a rush
10 to judgment." A rush to judgment -- is that a
11 new phrase? Joe was saying that 29 or 30 years
12 ago, and I believe that the spectacle that we
13 assisted at might have shielded judicial
14 determinations with less prejudice to those who
15 are involved in them to an extent that it
16 probably played some role, along with keeping
17 media at a short leash in this state where we
18 have not had the abysmal departure from fairness
19 as it is conducted in this state. But he said
20 those things then, and he came on and legislat
21 ed, became a member of this body, and the record
22 amply indicates where his heart was.

23 Someone mentioned the

1 decriminalization of marijuana. It's still a
2 Scotch verdict, as far as I'm concerned. I'm
3 not persuaded entirely, but it's significant
4 that William Buckley and Judge Bob Sweet, who
5 some of you may have known when he was deputy
6 mayor, recently came out with very learned
7 statements that were patterned exactly on what
8 Joe Galiber told us many, many decades ago.

9 So the dialogue is widened all
10 because this man had the courage to say things
11 that may or may not have been popular, and he
12 had that enormous heart and love of people that
13 was immediately sensed by everyone, and the
14 statements that have been made here thus far and
15 the statements that were made at that observance
16 were bound to be nearly alike because we were
17 talking about the same person, from the same
18 vantage point, and we had an extraordinary one,
19 having him as a colleague. I've had him as a
20 colleague for many, many years. I would say
21 having been here beyond my period of membership
22 in the Senate also as counsel, that I think on
23 anybody's short list of your fingers on your

1 hand, of great legislators in the 20th Century
2 that he would be on everyone's short list
3 because he is a great person.

4 I'm very pleased that the family
5 is here, Ruby and Carl, and even the parents -
6 I just can't imagine the feeling that the
7 parents must have experienced when they were
8 assisting at that ceremony. He left us a
9 tremendous legacy. What a -- what a legacy that
10 we all inherited from Joe Galiber.

11 So we rejoice in the fact that we
12 knew him and had him for so many years and we
13 rejoice that his family is here to hear the
14 feelings, that are genuine, by everyone who
15 speaks to it, as they were that day in the
16 Bronx.

17 God bless Joe Galiber! He must
18 be watching and approving. He's left us so
19 much. Joe, we're grateful.

20 ACTING PRESIDENT MARCELLINO:
21 Senator Tully.

22 SENATOR TULLY: Thank you, Mr.
23 President.

1 My colleagues, you didn't have to
2 let me follow that act. Very difficult; but I
3 do rise to briefly reflect my deep respect for
4 Senator Joe Galiber, and I say "Senator" in the
5 true sense of the word, because he has always
6 reflected what that term means. He has repre
7 sented his people very, very well. In our
8 disagreements or arguments, you might say, over
9 different pieces of legislation, he was always
10 more than fair. He gave as good as he got and
11 then some and every now and then you felt it.
12 Sometimes he came off the wall behind you, but
13 Joe definitely was one of the most eloquent
14 people I've ever heard speak in this house or in
15 any other one, and we will certainly miss his
16 simple eloquence and his sartorial splendor, but
17 most of all I'll miss him as a very, very good
18 friend and, to his family, I want you to know
19 there isn't a person in this house that I don't
20 think admired and respected Senator Joseph
21 Galiber.

22 Thank you.

23 ACTING PRESIDENT MARCELLINO:

1 Senator Espada.

2 SENATOR ESPADA: Thank you, Mr.
3 President.

4 I grew up in the South Bronx
5 aspiring to public officialdom. In doing so,
6 there was only one person to identify with. It
7 was an automatic instantaneous identification
8 with greatness, and that was my state Senator
9 for 25 years in the South Bronx before
10 Westchester County could enjoy him. Before
11 Jesse Jackson said to the world that you can be
12 somebody, Joe Galiber was proving it.

13 We have, looking at him from the
14 bottom up, learned how to aspire. We learned
15 how to believe in ourselves and 26-some-odd
16 years later, I would join him in this august
17 chambers.

18 You know, I knew Joe Galiber
19 through his work as my Senator and personally.
20 He loved the process of democracy as has been
21 indicated here. He loved fiscal intricacies.
22 We saw from the bottom up that he was honorable,
23 that he was graceful, that he was courtly, but

1 we also admired the fact that he was
2 triumphant.

3 There is peaks and there is
4 valleys. We were with him; he was triumphant
5 and enduring. Senator Galiber also, as has been
6 articulated here, knew how to count. He knew
7 also how to make his voice -- his voice count
8 and his vote count. He knew that the tools of
9 this trade are words and as such he also knew
10 that his word must be his bond and so in coming
11 up here, one of the things that he quickly told
12 me was, with all of my energy and vigor and
13 wanting to do things, he said around here you
14 don't beat anybody. Around here you get people
15 to try to agree with you and if, in fact, you
16 can win, it's only because the other side also
17 wins.

18 And so that's how the man from
19 the Minority, the man from the Democratic
20 Conference has the love and esteem of not only
21 the Majority but all in government through many
22 governors and presidents and United States
23 Senators. Joe Galiber was admired for that

1 dignity.

2 You know, as we talk about his
3 booming voice and his sense of humor and as we
4 do honor to his name and his memory, the thing
5 that always comes up for me anyway is the
6 quality of his character. That is the substance
7 that Senator Waldon spoke to, the style was
8 evident and in display every day, but it is that
9 substance that really would be the driving
10 memory and the lasting legacy.

11 So to his family, to his legion
12 of friends, to his staff who loved him, we must
13 recall the words of a learned man of the past,
14 Sophocles, who said that one must wait until the
15 evening to truly appreciate the day, to truly
16 evaluate the day; and so as Joe Galiber, his
17 mind and soul enriched by so many years here and
18 so many friendships, looks down upon us, we can
19 all state with one voice that his days and years
20 here were indeed splendid.

21 Eternal peace to Joe Galiber.

22 Thank you so much.

23 ACTING PRESIDENT MARCELLINO:

1 Senator Stachowski.

2 SENATOR STACHOWSKI: Mr.

3 President, I too rise to say a few words about
4 Senator Galiber. How could you serve a lot of
5 years in this chamber with him and not say
6 something about him?

7 He was eloquent, as Senator
8 Waldon said. He had style, but not only in his
9 clothes, also in his cars because nobody will
10 ever forget that one car. He was famous from
11 his basketball. Even as a child in Buffalo
12 everybody knew who CCNY was that won both
13 tournaments, and I might add for younger people
14 in the chamber that was when the NIT was a much
15 bigger tournament than the NCAA which was before
16 my time also, so I have to say that I don't know
17 what I'll miss more, hearing Joe's wonderful
18 speeches or, since Joe and I had the same
19 landlord, we lived kind of diagonally across the
20 street, looking out my window at night and
21 seeing him, he and Emma walking down the street
22 either coming from dinner or having taken a
23 short walk after they came back from dinner just

1 to take a walk around the neighborhood, and they
2 were just such wonderful people.

3 It's amazing that they're gone,
4 and we all will miss him, but more so than
5 missing Joe, I think we can all be thankful that
6 we had the opportunity to share him, and I think
7 that it's important that we recognize the
8 contribution he made not only in his wonderful
9 speeches but the work that he produced by it,
10 and we will always remember all the -- not only
11 messages, but lessons that we learned from him.

12 ACTING PRESIDENT MARCELLINO:

13 Senator Leichter.

14 SENATOR LEICHTER: Thank you, Mr.
15 President.

16 I so miss Joe Galiber. He had
17 such an imposing presence. Joe and I came to
18 the Legislature in the same year, 1969, and we
19 served together in the Senate when I joined this
20 body in 1975, and Joe used to sit right in front
21 of me and he'd occasionally turn around and make
22 some comment, some joke, some assessment of
23 legislation.

1 He often kidded me. We had one
2 particular joke between us, but he had such a
3 feeling of what he meant to this body and you
4 knew the respect in which he was held. When I
5 drove to his funeral, I guess it was the day
6 after Thanksgiving, and I was through my mind
7 thinking about associations together and to try
8 to sort of sum him up, and the word that came to
9 mind was his poise and his dignity, and I
10 thought it was interesting that at the funeral
11 the Governor delivered a eulogy, and he used
12 that word, his "poise", and I think that the
13 priest who officiated, it was obviously a family
14 friend that knew Joe well, also used that word.

15 He had great presence, great
16 poise, a dignity to him, because I think Joe was
17 very comfortable with himself. Senator Waldon
18 said, and he said it so well, that Joe never had
19 to posture. He never had to put on any airs.
20 He was himself, and he presented himself in such
21 an honest and such a forceful fashion but he
22 never -- he never in any way imposed on you.
23 You never felt threatened politically or in any

1 other sense.

2 I think he was a person of great
3 courage, of commitment. He had conviction. He
4 really was such a complete person. We had this
5 one joke that I mentioned, and I think it tells
6 a lot about Joe Galiber, and Senator Marchi
7 referred to it, which is that at a very early
8 time Joe realized that drugs, terrible as they
9 are, could not be dealt with as he saw it
10 through the criminal system but that you had to
11 move towards decriminalization, and not only
12 marijuana but even some other drugs. Joe took
13 this position very forthrightly, very
14 courageously, and at one point I joined him in
15 this and then, as maybe I got politically wiser
16 or maybe a little less courageous, I left that
17 bill and Joe would always kid me about it, but
18 it was in a fashion that was a friendship, not
19 in a fashion that was in any respect critical.

20 The other thing about Joe is you
21 never heard Joe complain. He might complain
22 about the long hours here, and so on, but he
23 never complained about anything that happened to

1 him. He was a person without bitterness. I
2 always had the feeling that Joe was somebody.
3 Irrespective of what the cards were dealt to
4 him, he played those cards and he played them
5 well, and when you think of his life as a black
6 man in the 1940s growing up in New York and
7 having to overcome so many burdens, so many
8 obstacles, so many difficulties that none of us
9 here or at least very few of us have ever
10 experienced and, hopefully, never will
11 experience again, to have triumphed over all of
12 this, I think how remarkable it is.

13 I guess Joe was really a
14 gentleman, a true gentleman. He left such an
15 indelible impression here and, as Senator Marchi
16 said, I think that those of us who serve here,
17 however long we serve and however long some of
18 you are going to serve, when you think back and
19 you say, who have I served with, who do I
20 remember, who really made an impression on me,
21 the name Joe Galiber is certainly going to
22 spring to mind.

23 I could only say that he made us

1 better for being with us, and I extend to Ruby
2 and Carl and his parents and the grandchildren
3 my deepest regrets and condolences, and I just
4 consider myself so lucky to have served with Joe
5 Galiber.

6 ACTING PRESIDENT MARCELLINO:

7 Senator Oppenheimer, please.

8 SENATOR OPPENHEIMER: It's -
9 it's hard for me to believe now that he isn't
10 here. He was such a presence in this chamber
11 that it's almost not conceivable that he isn't
12 here, and having Emma sit back here, and they
13 were just such a team and -- and I kind of had a
14 sense when Emma went that he would not stay much
15 longer, because I had a sense they wanted -- had
16 to be together.

17 Well, people have talked about
18 his warmth and his charm and his always polite
19 way, always had time to talk to you, listen to
20 you. Didn't always agree. He owed that to you
21 also, but he would tell you. His nobility and
22 his elegance was always something that
23 absolutely wowed me.

1 I'd come walking in and, you
2 know, everyone in disarray, and as I'd see him
3 and he'd be there with his coat down to his
4 floor, kind of looked like a river, it was so
5 long, and his large hat, and he was just
6 gorgeous to look at and, of course, we all have
7 been moved so by the brilliance of his oratory
8 and by more than the brilliance of his oratory,
9 the commitment to the moral values that we all
10 would very much like to hold all the time, and
11 Joe did hold them all the time, and I would
12 always listen up when he would talk because I
13 knew I'd be in for a treat not only for his
14 wonderful verbiage but he'd sort of lift -- up
15 lift me, and he'd say things that I wanted to
16 do, I wanted to be better, I wanted to think and
17 be those things, and he enunciated them for me.

18 This is sort of a silly thing,
19 but after Tony Masiello left here, Tony and I
20 had been the long and the short of the Senate
21 and then it was Senator Galiber who became the
22 long, the short of the Senate, and I can only
23 say that this short end of the Senate is very

1 much reduced by Joe Galiber's death, and I feel
2 very badly for his parents and for you, Ruby and
3 Carl, and the kids, and I hope in time that the
4 pain will ease and that all these wonderful
5 memories will stay with you and you'll be able
6 to laugh at some of the wonderful things, the
7 wonderful times you had together.

8 ACTING PRESIDENT MARCELLINO:

9 Senator Levy.

10 SENATOR LEVY: Thank you very
11 much, Mr. President.

12 I was listening to Bill
13 Stachowski, and it reminded me of my childhood
14 days because the first time I ever heard of Joe
15 Galiber, and I think it was probably Marty
16 Glickman, who was the -- the sports announcer
17 then, calling that great game, and I remember it
18 was the NIT. I thought it was the NCAA, and in
19 hearing him as a basketball fan because I
20 remember, contrary to my parents' wishes, when I
21 was supposed to be in bed I was listening to
22 that radio, and I was listening to that ballgame
23 and then Marty Glickman recounting in the play

1 by-play Joe's exploits as a basketball player.

2 He was a legendary member of a
3 legendary team, and I really can't add in terms
4 of talking about his qualities and his
5 attributes, really to what John said and what
6 Franz said and what -- what Suzi said, but I can
7 look over and look at Manny Gold and I can just
8 see Joe standing there, and he really was the
9 living personification of the captain of the
10 basketball team, the president of the Student
11 Council, the senior partner of the law firm, the
12 managing senior partner of the law firm, and
13 really a Majority Leader, what we all envision
14 the qualities of a Majority Leader.

15 Joe Galiber was a Hall of Fame
16 basketball player, and he was a Hall of Fame
17 five-star quality Senator and legislator, and I
18 -- he was my friend for 25 years -- almost 25
19 years that I've had the privilege to serve in
20 this chamber, and all of us were Joe Galiber's
21 friends, and we just are going to miss him so
22 much, and our hearts go out to all of the
23 members of his family and it's just really a

1 bitter moment for all of us that we are not
2 going to have the pleasure of Joe Galiber's
3 company in future years.

4 Thank you very much, Mr.
5 President.

6 ACTING PRESIDENT MARCELLINO:
7 Senator Markowitz.

8 SENATOR MARKOWITZ: Thank you
9 very, very much.

10 Senator Levy, I have to say that
11 I don't always agree with you or you with me but
12 the fact that you said that Senator Galiber, you
13 saw him as the Majority Leader, we can agree on
14 that. So did many of us. I have to say in
15 honesty that none of you contributed to making
16 that possible; but having said that, he is
17 someone who is so dear to all of us, that Ruby
18 no doubt, you know, hearing Republicans and
19 Democrats, there's a certain fondness, a very
20 special fondness that went way beyond partisan
21 politics.

22 He exemplified the best that this
23 Legislature can ever produce. You know that,

1 and I know it. What many of my colleagues may
2 not know is that I was blessed for a while in my
3 district, I should say that they had two
4 Senators. They had a tall good looking,
5 debonair, trim Senator and then they had the
6 other one for a period of time when Senator Joe
7 Galiber would regularly visit his dynamic and
8 beautiful daughter who lived around the corner
9 from me, and people would say to me after they
10 met Senator Galiber they'd turn to me using
11 Senator Trunzo's dad's words, when they turn to
12 me and say, Is he a Senator too, and, of course,
13 that was in my district. It's a good thing that
14 he lives in the Bronx as far as I'm concerned,
15 but he is that kind of a very special human
16 being that I know that all of us will miss; but
17 I have to tell you, putting aside his
18 brilliance, his elegance as we all agree on, his
19 beautiful presence, what I envied most about him
20 was his love for your mom.

21 I watched them walking around
22 here practically as new married people,
23 newlyweds. The twinkle that each one of them

1 showed to each other, that special love, how
2 many times am I right, we used to see them walk
3 holding hands walking around here going to
4 receptions, watching both of them sitting
5 together, such a perfect union, such a perfect
6 union. The love that these two people had for
7 each other are, frankly, to be envied by many
8 and emulated by all, and that's what I know that
9 I'll miss so very, very much; and also that
10 smile that your dad would give me, that winning,
11 that smile, I think we all know what that was
12 like, to get as smooth as butter, smooth as
13 butter, and whether he agreed or disagreed when
14 you walked away from Joe Galiber, hey, there was
15 -- he was right. I mean it was all you had in
16 your heart was, Wow, it was -- this is it. This
17 is reality.

18 This is someone that the Lord
19 blessed to us, to you. Thank you for being
20 here.

21 ACTING PRESIDENT MARCELLINO:
22 Senator Gonzalez.

23 SENATOR GONZALEZ: Thank you, Mr.

1 President.

2 I think that I had many years
3 with Senator Joe Galiber. I think before this
4 Constitutional Convention where he was Assistant
5 Majority Leader, I think Senator Markowitz, but
6 I think also that recently in the Bronx we had a
7 memorial service on Martin Luther King week end
8 and it was so appropriate as to the many things
9 that Joe Galiber exemplified that the many
10 things that Senator Pedro Espada had mentioned
11 in terms of him, even in Bronx politics, is
12 never the same. It ain't the same now.

13 He always, in terms of his -
14 with the distinguished -- his presence and his
15 style, the style that he'd always listen, and
16 when he spoke people listened, and I think that
17 he had been in this body, he felt that this
18 body, this Senate body where he said many things
19 and took on many issues, he had that great
20 respect for the members on both sides, and I
21 know that all of us had it for him.

22 It reminds me of, at the memorial
23 service that they said or someone said that he

1 plays basketball like he did politics. He gave
2 it all. You knew you had a tough, tough
3 opponent, and I think that you know my love for
4 him because he was my mentor, and my sister Ruby
5 and Carl, you know, we continue in his name his
6 legacy.

7 Thank you.

8 ACTING PRESIDENT MARCELLINO:

9 Senator Cook.

10 SENATOR COOK: Mr. President. I
11 think all the statements about Joe's performance
12 as a Senator -- and they were indeed very
13 accurate -- my relationship with him was kind of
14 lighthearted in many respects because he liked
15 to kid about being my constituent which he was.
16 As a matter of fact, I believe he was stricken
17 while actually in my district, but he would -
18 he would vote for one of my bills, and then he'd
19 come over here and say, "Well, you know you're
20 my Senator, I have to support you," or he'd come
21 over, "Well, you know, Senator, I'm your
22 constituent. You really ought to listen to what
23 I have to say," and it was in that vein that

1 most of our conversations took place on the
2 floor.

3 I remember a couple of -- a
4 couple of those when he voted for bills, I don't
5 think anybody ever took it seriously; it might
6 have caused some political problems at home. I
7 know the bill that took away -- would have taken
8 from New York City the authority to regulate
9 land use, and he came, he voted for it and he
10 came over here later and he said, "You know,
11 Senator, it was more damned trouble getting
12 permits to build my house up there," he says.

13 "I know exactly what you're talking about," and
14 then we had another bill which he voted for that
15 was on directional signs and he came over after
16 that, and he says, "I spent more time driving
17 around those roads up there trying to figure out
18 where I was, and we really got to have some of
19 those signs."

20 So it was a -- it was that kind
21 of a nice bantering relationship. I remember a
22 couple of years ago going to the Belleayre
23 Coalition dinner, which is a group of people who

1 generally support the Belleayre Ski Center which
2 is a state-owned facility and it was a bitterly
3 cold night and we all came wandering into this
4 place just shivering and sat there and commis
5 erated, and the reason I bring that up is that
6 last week the Coalition held their annual dinner
7 dance, and it was held in Joe's honor, which I
8 thought was significant that folks who are his
9 neighbors, his upstate neighbors, had decided to
10 pay some tribute to this guy who had done so
11 much for the people of the state of New York,
12 and we really will miss him. We'll miss him
13 here. We'll miss him at home. We'll miss him
14 at home in the Bronx; we'll miss him at home in
15 the Catskills. He was a great guy and a great
16 friend.

17 ACTING PRESIDENT MARCELLINO:

18 Senator Abate.

19 SENATOR ABATE: Like so many in
20 this room, I believe we feel compelled to stand
21 up for Joe Galiber to speak about his life, to
22 speak about the kind of man he was. He truly
23 was a remarkable man. He was highly

1 intelligent, principled, but most importantly he
2 was an extremely kind and compassionate human
3 being.

4 I believe the measure of a man is
5 not the titles that person holds or how many
6 elections that person has won, but by the number
7 of people that person has helped in their life
8 time, and clearly Joe Galiber helped thousands
9 and thousands of people in his community and
10 thousands and thousands of people throughout the
11 state.

12 I regret I never had the
13 opportunity to shoot hoops with him or see him
14 on the Senate floor for an extended period of
15 time, but I did have the opportunity to work
16 with Joe Galiber in the criminal justice system
17 for a number of years, and I remember when I was
18 at Correction or Probation or when I was at
19 Legal Aid Society many, many years ago there was
20 one elected official that would always come to
21 see me about criminal justice reform, and that
22 was Joe Galiber.

23 He lent a voice to issues that no

1 one else would touch. He really cared to ensure
2 that people have not only had access to justice
3 but got justice throughout the courts. So he
4 was an intellectual man. He was a committed
5 man. He was a courageous man; but one thing I
6 remember most remarkably about him. He was in
7 the hospital a few weeks before he died and he
8 called me because he was concerned about one of
9 his staff members, and he was concerned that
10 something that was said to a staff member was
11 miscommunicated. It was a sensitive issue, and
12 he asked me please to take care of it because I
13 want to make sure my staff are conducting
14 themselves and feeling comfortable and are
15 getting the recognition they deserve because
16 they've supported me for so many years. He was
17 not caring about his predicament knowing that he
18 would only have a few more weeks to live. He
19 cared about his staff. He never stopped caring,
20 and that was the mark of this very remarkable
21 man.

22 So we will miss him, and many
23 thousands of people from throughout this

1 state will miss him because he lent a voice to
2 people who did not have that voice because they
3 were silent in society. So we will miss you as
4 well as will so many others who depended upon
5 you for your voice, lending a strong voice in
6 support of them.

7 ACTING PRESIDENT MARCELLINO:

8 Senator Farley.

9 SENATOR FARLEY: Thank you, Mr.
10 President.

11 I also rise to pay tribute to
12 Senator Joe Galiber and to his parents who are
13 in the gallery, thank them for giving him to us;
14 but let me say this. I've heard a lot of
15 tributes here. None have been more moving -
16 Senator Marchi, when you finished, I had a lump
17 in my throat. Senator Waldon, he did have
18 style.

19 Senator Galiber truly loved this
20 house, the tradition of this Senate. He loved
21 his colleagues. There wasn't a person on either
22 side of this aisle who wasn't touched by him and
23 felt the affection that he had. He was a -

1 he's a Senate icon. He had style, as it was
2 said earlier. He had grace; he had elegance.
3 He had all of the things we're -- that all of us
4 seek.

5 Joe Galiber was loved by
6 everybody in this chamber on both sides of the
7 aisle and, when he spoke, everyone listened and
8 we'll all miss him, and all I can say is he did
9 love his family. His family was proud of him,
10 and I'll tell you, Marty, what you said about he
11 and his wife Emma, if everyone only felt the
12 same way. They were like a newly wed couple
13 truly in love. It was a beautiful thing to see
14 here in the gallery and waiting for him around
15 here.

16 We all are saddened by this loss
17 because we've lost a treasure to New York
18 State.

19 ACTING PRESIDENT MARCELLINO:
20 Senator Goodman.

21 SENATOR GOODMAN: Mr. President.
22 It's very hard for me to believe that it was
23 more than a quarter of a century ago, namely 27

1 years ago, when I first met Joe Galiber when he
2 and I were freshman Senators. He was my class
3 mate. He was my friend and he is an individual
4 who, from my standpoint, was in a sense almost
5 larger than life.

6 I had the great privilege of
7 attending the memorial ceremony to Joe Galiber
8 which was held at Hostos College in the Bronx
9 not long ago and, if all of you had been there
10 with me, you'd have seen a tremendous outpouring
11 of communal affection and respect for an
12 outstanding public servant.

13 I was particularly struck by the
14 ecumenical nature of the gathering. He had a
15 priest; he had a rabbi; he had community leaders
16 of all different backgrounds and they were all
17 unified in their sense that Joe Galiber was an
18 extraordinary and special human being.

19 I remember when Joe and I started
20 out together, we were holding a committee
21 meeting and a rather important one on
22 construction industry corruption and unexpect
23 edly, due to a family illness, I was called from

1 the chamber and as chairman of the Housing
2 Committee could not preside.

3 I asked Joe Galiber if he could
4 take the chair for a short while and it turned
5 out that that short while was for almost the
6 rest of the entire day of hearings. He was a
7 teammate who was willing to stand up to the
8 plate and carry the responsibility, and he
9 carried out those hearings impeccably and was
10 without question a great credit to the Senate.

11 There's so much that could be
12 said about him and so much that has already been
13 so eloquently spread upon the record. I would
14 just like to say that there is no one with whom
15 I have served in the Senate for whom I had
16 greater affection or respect than Joe Galiber.
17 He was a man's man; he was a woman's man. He
18 was a man for all seasons, and certainly he was
19 a lasting credit to the highest traditions of
20 the Senate of the state of New York.

21 ACTING PRESIDENT MARCELLINO:
22 Senator Smith.

23 SENATOR SMITH: Thank you, Mr.

1 President.

2 Many things have been said in
3 this chamber today about Joseph L. Galiber.
4 Many of us have the same things to say because
5 we cherished the man. We revered his elegance,
6 his grace, his charm, his charisma, and I always
7 think of him and his elegant mink coat, and I
8 was always jealous of a man that looked better
9 in his mink coat than I did in mine.

10 I did remember going to St.
11 Thomas for the National Conference of Black
12 State Legislators, and Marty Connor should
13 remember this because he kept calling us down
14 there, but while we were there, we were found by
15 some of his family members, the Galiberts, and
16 no matter where you went they knew Joseph
17 Galiber.

18 I remember growing up in Kings
19 County and hearing about the great man from the
20 Bronx, Joseph Galiber. I remember being
21 privileged to go to the Bronx and campaign for
22 him for the Bronx Borough President. That was
23 long before I entered these portals of the New

1 York State Senate; but when I came here I found
2 a leader, a mentor, someone that took the time
3 to give advice and to guide someone new, and I
4 can often hear him teasing me about not showing
5 up for champagne on my birthday, but him and
6 David Paterson drank the champagne and didn't
7 give Velmanette and I any, but we'll always for
8 give him for that, and I will truly miss him
9 because he was truly the leader for many of us.

10 ACTING PRESIDENT MARCELLINO:

11 Senator Paterson.

12 SENATOR PATERSON: Thank you, Mr.

13 President.

14 Senator Gonzalez said a little
15 earlier that Joe Galiber played basketball the
16 way he played politics, and I want to try to
17 magnify to all of you the full impact of that
18 statement. Senator Stachowski and Senator Levy
19 talked about that famous City College basketball
20 team that won the NIT and the NCAA in 1950, and
21 Senator Galiber was the captain on that
22 particular team and was an outstanding player,
23 but to those close friends of Joe Galiber, they

1 knew that the player who performed in that
2 tournament but also was one of the most
3 outstanding lacrosse players in the country was
4 really not the player that he had once been
5 because Joe Galiber was injured in the military,
6 and to those close observers never played the
7 way he had played before but, in fact, in 1943
8 when Joe Galiber graduated from Benjamin
9 Franklin High School, he made the New York City
10 all-star team and was voted its most valuable
11 player. He was then considered the best
12 basketball player in New York City, and just to
13 give you an idea of what that means, 25 years
14 after that, the best basketball player in New
15 York City was Karim Abdul Jabar. 25 years after
16 that, the best basketball player was Kenny
17 Anderson. The best basketball player last year
18 was Stefan Marbury, the most highly recruited
19 athlete in the country, and the year before that
20 Felipe Lopez, who was on the cover of Sports
21 Illustrated.

22 So when we talk about Joe
23 Galiber, we are talking about a person who

1 really was a legend of the basketball community
2 and when we think about Joe Galiber, if we
3 compare it as Senator Gonzalez did, we realize
4 what a tremendous impact he had on that game
5 and, of course, what an impact he had on this
6 service as well.

7 The fact is that it will be years
8 from now before many of his contributions are
9 fully realized, for some of the issues that he
10 fought so hard on are misunderstood in this
11 decade, and it may be some years from now that
12 we realize what a legend he was right here in
13 this particular chamber, even though so many of
14 you have eloquently described what an impact he
15 had on you.

16 I feel some discomfort over the
17 turn of events in the last year. I remember
18 when Senator Galiber sat right in front of
19 myself where Senator Gold is sitting, and I used
20 to play these little games with him because I
21 was informed that he was quite ill, and I would
22 try to psych' him into believing that we were on
23 the last bill maybe ten bills before we really

1 were, inducing him to leave the chamber by
2 telling him, you know, we're just going to be a
3 couple minutes, maybe you can get outside and
4 get the elevator before everyone else.

5 I was cajoled and threatened by
6 Senator Galiber on a number of occasions for
7 doing that, and the thought that it was in his
8 best interests and often discussed it with Emma
9 Galiber. Why didn't I ever ask her how she was
10 feeling? Why didn't I ever ask her what a
11 strain this must be to support the Senator at
12 this time? Why didn't I even inquire to her
13 what her health may have been? And so when I
14 heard of the untimely death of Emma Galiber in
15 late June of last year, I realized something
16 that I think we all have to pause in our
17 deliberations for, and that was -- relates to
18 the individuals whose names we don't know, the
19 individuals whose shadows we live in who
20 sacrifice so much so that many of us could win
21 the acclaim that we have been able to gain, to
22 perform the service that we have the time to
23 endeavor.

1 And so when I think about Senator
2 Galiber, I think most aptly about what Senator
3 Leichter said, all the times, the issues that he
4 could have complained about and he didn't, and
5 then I think about all the things I went through
6 with him personally, his own disasters and how
7 he could have talked about the injustices that
8 would be set upon him and he didn't, and I think
9 about my own personal relationship with him, the
10 times when I've found myself to be a little
11 shrill and antagonistic and he could have
12 lectured me or in many ways disciplined me and
13 he didn't, and I think about the times that
14 there were issues that I could have been a
15 little more alert and maybe stood my ground a
16 little better when Senator Galiber did and how
17 he could have lectured me and he didn't, and I
18 think about unfortunately sitting here in this
19 chamber right behind where his chair was and
20 lamenting all the times that I didn't tell him
21 what a great inspiration he was and what a great
22 hero he was to me. I thought that when he came
23 back from his illness that I would tell him, and

1 he didn't.

2 We had a ceremony for Senator
3 Galiber on January the 14th at Hostos College.
4 Senator Montgomery came by with Senator Gonzalez
5 who was probably his best friend in the Senate.
6 Senator Goodman was there with the Minority
7 Leader, Senator Connor, Senator Velella who
8 worked with Senator Galiber extensively, and
9 Senator Marchi who gave a tremendous tribute.
10 Mayor Dinkins was among those who voiced his
11 admiration for Joe that day and he closed in a
12 way that I think most describes Joe's life.

13 He said that public spirited
14 service is the rent we pay for our space on
15 earth. Joseph Galiber leaves us paid in full.
16 Let him not look down upon us and find any of us
17 in arrears.

18 ACTING PRESIDENT MARCELLINO:
19 Senator Gold.

20 SENATOR GOLD: Thank you, Mr.
21 President.

22 You would have to call upon me
23 after David Paterson was so eloquent.

1 I saw a few moments ago in the
2 chamber one of our old friends and colleagues,
3 Senator Halperin, who I would have to say did a
4 great job when he was here and as the ranking
5 member of Finance. Having said that, I think
6 that Senator Galiber had an easier time taking
7 over than he left me to take over for him.

8 I listened to words like "grace",
9 "charm", "kind" and say to myself, I should not
10 be sitting in that man's chair. He leaves quite
11 a legend, and I've heard Senator Cook's remarks
12 and, as you know, as these things go through
13 your mind, you listen to him and he's one of
14 your constituents.

15 Senator, a lot of us talk on this
16 floor from time to time and wish that we were
17 able to get that kind of respect from everyone
18 that Joe Galiber obviously had on both sides of
19 the aisle. He was a Hall of Fame basketball
20 player and yet while he was up here a number of
21 us would say to him or a number of the other
22 members would say, Joe, we're going out to play
23 basketball tonight; why don't you come along and

1 play, and even though he was unquestionably the
2 finest ball player even in those years with all
3 due respect to Stachowski and Masiello, he would
4 not go out and play because he felt that at that
5 point, that part of his career was over and he
6 couldn't do his very, very best and let the
7 legend out there and let the legend be and, when
8 I listened to the eloquence of my leader,
9 Senator Connor, talking about asking to take the
10 floor, I can just see Joe Galiber saying, "Well,
11 you know, maybe, maybe I would have loved to do
12 that, but if my health is such that I can't do
13 it right now, I'm not going to be out there and
14 have anybody looking at me at anywhere less than
15 one hundred percent of what I -- of what I
16 really am."

17 Of course, the interesting thing
18 that for people who knew him, we always looked
19 at him at a hundred percent. You have there a
20 guy can come out here with a cold and you listen
21 to him talk, but you know he's got a cold but
22 you know what's in the heart.

23 I had the wonderful opportunity

1 in 1967 to be the counsel to the Majority Leader
2 of the Constitutional Convention. Those were
3 the days I had power. I was a staff member.
4 That's when I knew what power was, but that was
5 my first introduction some 29 years ago to Joe
6 Galiber because, as you know, he was one of our
7 officers of that convention and there wasn't one
8 person, not one delegate in that convention and
9 we had chief judges, we had people from all over
10 the state with great titles and great respect,
11 there wasn't one person that didn't know that
12 Senator Galiber was only beginning, only warming
13 up in terms of what he would do for the people
14 of this state.

15 Of course, I have to now jump
16 ahead to 1992, when Senator Galiber joined
17 Senator Leichter and Senator Oppenheimer in a
18 very distinguished group of people and he used
19 one of my photographs in his campaign. As a
20 matter of fact, that photograph I had to
21 reshoot, and the reason was -- my ego was
22 involved. The reason was that I took a number
23 of photographs of Senator Galiber. I took one

1 of them in a green sweater, and he loved that
2 sweater and he loved the way he looked in that
3 sweater.

4 So why did I have to shoot it?
5 Because he was overwhelmed with the concept of
6 the green sweater and he wanted to use it, and I
7 wasn't so happy at the way he looked, so I
8 forced him, I literally went in the office with
9 the picture that he wanted to use, and I went to
10 every staff person, said, "Take a look at that
11 nice sweater, but the picture is lousy, isn't
12 it?" We finally kidded him into letting me
13 reshoot it and, as his family knows, he used
14 that picture on the poster and visitors to my
15 home -- you can check it out -- say to me Gee, I
16 love all your pictures, Manny, but I don't
17 understand why you have a picture of Senator
18 Galiber hanging up, and the reason is I love
19 that picture too. The picture really was Joe,
20 because as he was effective and as he was
21 brilliant and as he was strong, that's what Joe
22 Galiber was.

23 He was a beautiful, gentle giant

1 in a green sweater who was filled with
2 compassion and humanity and when people talk
3 about his speeches, I want to tell you the voice
4 was terrific and the vocabulary was terrific and
5 the intellect was terrific and perhaps that had
6 something to do with the respect we have, but in
7 my opinion the reason he was respected was
8 because the man never got up here when he wasn't
9 speaking from his heart and he wasn't sincere
10 and everybody knew it, and it was like a light
11 went off.

12 This was one person who had a
13 political agenda that was begun, continued and
14 ended with unfortunate people, with people who
15 needed a spokesman and, when I heard Senator
16 Leichter speak earlier today about going on and
17 off a piece of legislation, we've all done it.
18 Well, maybe not all. I don't know about a Joe
19 Galiber, because he was a thinking man who
20 didn't look all the time every minute as so many
21 of us do, to the political implications of the
22 bill as much as what he really thought would
23 help somebody and which would be good for

1 somebody and, boy, what a -- what a concept that
2 is.

3 Can you imagine how crazy this
4 place would go if we really acted that way every
5 day. My God I wonder if the roof would stay up
6 there, but that's what he really was all about.
7 I was going to make some remarks about seeing
8 him walk around with his lovely lady and that's
9 been covered pretty much, but I'm glad it was
10 covered. I really am glad it was covered
11 because we are criticized so much in this
12 business and the demands that are made upon us
13 are so much in this business, and it's a delight
14 to see one of us who tries to normalize their
15 life.

16 You know, we preach to society
17 about human values, about family values as we
18 are all unfortunately away from home, away from
19 our children and you know, my kid, my oldest boy
20 used to get stomach aches when I got to Albany
21 every week. Now he lives in Albany, and he gets
22 stomach aches when I go home. But the point is
23 we preach to other people about normalcy and

1 about what decent Americans ought to be doing
2 and it's very hard to do it and the fact that
3 your mom and dad were able to do that is just
4 terrific, that it was important to them, and
5 they made that so much a part of their life.

6 In closing, I want to say that,
7 you know, he was bright, he was brilliant, he
8 was articulate. He was a fighter, he was -- to
9 me the most important thing is that he was just
10 a lovely gentleman. He was just a lovely man
11 and, if you walked around the street and you
12 happened to -- you didn't know who he was and
13 happened to run into him, there was a smile,
14 there was something said. If you were the
15 highest in society or the lowest in society and
16 you met this man on the street and asked a
17 question, you would get the same delightful
18 smile, the same respectful answer and in that
19 regard, he was really one of a kind and a
20 delightful person and I, like so many others
21 here, feel it was an honor to have known him.

22 ACTING PRESIDENT MARCELLINO:
23 Senator Montgomery.

1 SENATOR MONTGOMERY: Thank you,
2 Mr. President.

3 I would just like to join my
4 colleagues in expressing my sincere joy with
5 having had the opportunity to work with Senator
6 Galiber. I was -- when I first came to the
7 Legislature, my office was down the hall from
8 another Senator who is no longer here, Senator
9 Jenkins, and despite all of the wonderful things
10 that we said about Senator Galiber and we know
11 that they're all true, I certainly accept all of
12 them, but Senator Jenkins used to say to me, you
13 know, "Joe will rough you up," and I think that
14 we must also acknowledge that Joe can rough you
15 up, and he did that on occasion when necessary,
16 but he was always a gentleman and he was
17 essentially a gentle person.

18 The other thing that I really
19 respected so much about him is that when I first
20 came to the Legislature, my idea of how politics
21 was, that there were Republicans and there were
22 Democrats and essentially a Republican was a
23 dirty word if you will pardon, my colleagues on

1 the other side, so you did not say that very
2 frequently, and certainly if you got up with
3 your political argument you -- that was it, you
4 would not speak to the other side ever again in
5 life.

6 But what Senator Galiber taught
7 me was that you could have a political
8 philosophical debate on the floor but that it in
9 no way represented a personality disagreement or
10 fight which prevented you from having a
11 relationship with your colleagues, be they
12 Republican, Conservative or what have you.

13 So he could have very heated
14 debates on the floor, and often did, and
15 disagreed sometimes completely and violently
16 with some of the colleagues on the other side,
17 but he could also get up and go over and have a
18 conversation, as he said, with Senator Cook and
19 any of the other Senators, even Senator Bruno on
20 occasions he could have -- be comfortable having
21 a conversation with him after having beaten him
22 up just two minutes prior.

23 So that was a valuable lesson and

1 I appreciated learning that early on. So that I
2 thought he was such a statesman and so effective
3 for that reason.

4 I guess my -- whenever I think of
5 Joe Galiber, I think about his office, and his
6 office in my mind epitomized everything about
7 him, all the qualities of him as a person who
8 apparently had a special eye for quality art,
9 appreciated the finer things in life, but yet
10 could create a sense that you -- that you felt
11 comfortable when you walked in. You didn't
12 really feel like you were walking into a museum,
13 though you certainly were, and so that
14 epitomized him as a person, and I appreciated
15 that about him, and I certainly will always
16 remember how he stood so tall physically, but
17 also that when he stood up on an issue, he was
18 always rising and he would not sit down until he
19 had made his final point and then he would make
20 certain that you understood by coming over to
21 have another conversation with you in case you
22 didn't understand him the first time.

23 To his family, we appreciate

1 having had an opportunity to serve with such a
2 wonderful and special person. He's been special
3 to us in so many different ways and on
4 differently levels, and we appreciate it.

5 Thank you.

6 ACTING PRESIDENT MARCELLINO:

7 Senator Volker.

8 SENATOR VOLKER: I know this has
9 been a long and emotional discussion, but I just
10 felt I had to say just a couple things.

11 You know, I guess because of my
12 situation, that I am a little bit different in
13 one way having been the son of an Assemblyman
14 for many, many years. At one time he was the
15 senior Assemblyman from the entire state
16 actually at one time, and I must tell this quick
17 little story because I just have certain images
18 I guess of this chamber.

19 When I came over to the Senate in
20 1975, I think I had met Joe but not -- not
21 really met him to -- to really know him, and I
22 -- he had got here and someone was standing in
23 the aisle here and introduced me to him, and I

1 shook hands with him and he sort of walked right
2 around me and hugged the man behind me. The man
3 behind me was my father, who had served with him
4 in the -- at the Constitutional Convention, of
5 course, and as I said to myself, Gee, I'm really
6 a big wheel around here.

7 But let me tell you this about
8 Joe, and I'll be honest with you about this
9 story. I came over from the Assembly and, as I
10 think many of you know, I did get into a number
11 of, shall we say discussions over there and was
12 involved in various issues, but one of the
13 people who I frankly don't want to say I was
14 afraid of him, but he did send some ripples down
15 my back, was Joe because I knew very well that
16 he was not only brilliant but articulate and
17 right to the point and could -- could deal with
18 issues in such a tremendous manner that he
19 actually scared me for a long time until I
20 realized that here was a man who, although he
21 did have this immense presence and he was so
22 brilliant, that you could debate with him on
23 issue after issue, and that he would never try

1 to really put you down, and that he would try to
2 deal with you on a basis of, It's you and I.
3 This is an issue that needs to be dealt with.
4 Now, let's deal with it on a human basis.

5 When I think of Joe, I must admit
6 to you there are few people that come to mind
7 and obviously everyone in the chamber I think
8 about, but I think about Joe as one of the
9 people that, when I leave here, I will never
10 forget and although Manny, I thought about maybe
11 your chair but not -- more I think about the
12 chair over there where he was really here for so
13 long, I also think about the day for so long it
14 came to mind when the globe came down and
15 bounced off that desk right there and nearly -
16 nearly finished -- in fact, he was debating with
17 me and I don't know if that had anything to do
18 with it, but when that thing came down and
19 ricocheted off the desk there and the desk was
20 there for a long, long time, I think of that
21 because I think it's part of the history of this
22 chamber as you are, as John Caemmerer was, and
23 as so many people who have been here for lo,

1 these so many years.

2 I guess the thing that I most
3 wanted to say about Joe, and so much has been
4 said about his gentleness and the kind of
5 wonderful man he was, and he certainly was, and
6 Emma and the family, to me he will always be the
7 epitome of what this chamber has come to mean to
8 me over the years and what it used to mean, I
9 think unfortunately, to a lot more people and
10 that is a class, a class person who was
11 discussing issues in a way in which they should
12 be discussed in this nation, not in the way that
13 I think the press likes to portray it and here
14 is a man, by the way, because of his beliefs and
15 because of where he came from, many of us know
16 had to suffer a great many indignities which we
17 haven't really touched on, and I think it's good
18 that we didn't and there are a number of others
19 who had to do it, and I know Joe well enough and
20 talked to him many times about his troubles to
21 know how some of them happened and the tragedy
22 is that he had to endure it, but he endured it
23 with good humor, he endured it I think with only

1 the kind of courage that only a man or woman of
2 his strength could do, but the word that I will
3 never forget with Joe aside from his gentleness
4 and good humor is one word, "class". If there
5 was a classier person that I have known in the
6 Legislature, and in my whole life, I can't think
7 of one.

8 He's a great man and I have no
9 doubt in my mind that he and Emma are -- are in
10 a better place now.

11 ACTING PRESIDENT MARCELLINO:
12 Senator Dollinger.

13 SENATOR DOLLINGER: Thank you,
14 Mr. President.

15 Unlike many people in this
16 chamber, I did not know Joe Galiber for a long
17 time, but I'm struck by the word that many
18 people have used in describing this body as a
19 house, and I keep thinking these are the members
20 of the family right down here on this floor as
21 much as there are family members up there and,
22 if anything, Joe Galiber was our big brother.

23 I came here in 1992, and I was

1 one of the new kids, one of the babes in this
2 chamber, and Joe Galiber met me as I think he
3 met everyone in his 25 years here with that
4 gentle smile, that knowing nod, that uplifted
5 eyebrow and that endless enthusiasm for what he
6 did. It was the passion that drove everything
7 that he did on the floor, and I think everything
8 he did here.

9 I also have to admit Senator
10 Paterson plays a role in my favorite
11 recollection of Joe, and that was when Joe, as
12 he often would with that enormous frame, would
13 wrap his arm around someone and give him a hug
14 from the side. He gave new meaning to the idea
15 of taking someone under your wing, because when
16 you were under Joe Galiber's wing, you were
17 firmly under his wing and under his influence,
18 and that wasn't a bad place to be.

19 It seems to me everyone's talked
20 about when he spoke, people listened, much like
21 E.F. Hutton, and at least for me in the short
22 time I knew him, a very simple explanation.
23 When you give respect, you will get it. He gave

1 it to everyone he met, whether you came from the
2 United States Senate, as his friend Pat
3 Moynihan, or the people he played basketball
4 with or the people he knew from the Bronx. When
5 you give respect, you engender it in others.

6 The other thing that he clearly
7 did for this chamber is he set a standard. He
8 elevated politics to a noble profession, perhaps
9 a nobility that it is losing and may have lost.
10 But I want you to know that, as much as your
11 family will miss him, this family that lives in
12 this house, that presides in this parlor, this
13 place where we debate as every parlor in every
14 home in America, as the place where they debate
15 family issues, we here will miss our big
16 brother.

17 ACTING PRESIDENT MARCELLINO:
18 Senator Skelos.

19 SENATOR SKELOS: Mr. President,
20 you know when we have the opportunity to debate
21 bills as we often do, we learn various
22 techniques on what's best to debate, how to
23 debate and how to survive on the floor.

1 Senator Paterson mentioned how he
2 would try to get Joe off the floor a little
3 earlier, by mentioning they were on the last
4 bill. David, I could mention a couple of other
5 people that I'd love to be sitting in that seat
6 so you could do the same thing with them, but -
7 Senator Dollinger, I wasn't talking about you,
8 but Joe was a very special person, you know. He
9 was a teacher to all of us as we came into the
10 Senate as new young Senators.

11 He would always remind us about
12 the integrity of the institution of the Senate
13 and how important it was and the greatest
14 parliamentary maneuver I learned in terms of my
15 own self survival was when I would have a bill
16 that would be a bit controversial I would look
17 over and, as soon as Joe Galiber would start
18 getting up, I would lay it aside for the day
19 figuring that would be the best way for me to
20 debate that day and, hopefully, catch one of
21 those rare days when Joe Galiber was not sitting
22 on the floor and perhaps the bill would -- would
23 fly through.

1 When we came -- when I first came
2 to the Senate, I think it's true of so many of
3 us, we may be a little bit brash, we may be a
4 little bit cocky. We may be a little bit over
5 confident, you know, our egos may be a little
6 bit inflated, but Joe Galiber had a way just to
7 pull you aside and say, you know, "Son" and I
8 guess those of us who were a little bit younger
9 than he, would call us, you know, "Son."

10 Let me talk to you a little bit
11 about how we do things in the Senate, and it
12 doesn't matter whether you're a Republican or
13 whether you're a Democrat. It's really the way
14 things should operate in this Senate, and you'd
15 listen and the first couple of times you'd say,
16 Well, he's -- you know, he's a Democrat, he's
17 just doing this to quiet me down, and then as
18 the months went on and perhaps a couple of years
19 you'd learn that gentlemen was right.

20 There was a certain way that you
21 should conduct yourself on the Senate floor.
22 There was a certain way that you should debate a
23 bill, and this I think all of us in our own ways

1 have learned from Joe Galiber. Certainly he's
2 going to be missed and, to the Galiber family,
3 we loved your dad. He's a special man to all of
4 us and we will always remember him.

5 ACTING PRESIDENT MARCELLINO:

6 Senator Onorato.

7 SENATOR ONORATO: Mr. President,
8 I rise to join my colleagues in paying a special
9 tribute to a very dear friend of mine, Senator
10 Joe Galiber.

11 Most of the things have already
12 been said about what a wonderful man he has been
13 and surely the family is filled with warmth
14 hearing the same thing echoed throughout the
15 chamber from both sides of the aisle and, on my
16 very first experience with Senator Galiber when
17 I got first elected, I was the freshman in the
18 chamber and as the debate was going on with
19 Senator Marchi and Senator Galiber regarding the
20 development of Hunt's Point, and Senator Marchi
21 was the sponsor of the bill and when it came
22 time for him and Joe Galiber to go at it, he
23 started raising questions, Senator Marchi

1 magnanimously got up and said, "I defer all
2 further questions to my newly elected colleague
3 who represents the area."

4 Well, I didn't know anything
5 about the bill at all, and I got put in an
6 awkward position. I just reassured Joe what I
7 had gathered from the earlier debate that he
8 wanted to make sure that jobs would be
9 forthcoming when the development took place and
10 I told him, I says, "Joe," you know, "I come
11 from a labor background with the bricklayers
12 union, and I can promise you that that will take
13 place. I'll give you my solemn promise that the
14 jobs will be forthcoming." He says, "With
15 that," he says, "I'll defer any further
16 questions," and he says, "I'm going to rely on
17 you in good faith to see to it that that does
18 take place."

19 And the other thing that he had,
20 you know, they mentioned about this fur coat and
21 all of the different cars. I live in Astoria
22 and my office is on Astoria Boulevard, and on
23 one occasion my secretary called me and says,

1 "There's a fellow out here in a big hat and fur
2 coat, and I can't believe it, there's a Stutz
3 Bearcat outside parked in front of the
4 building." I come out, I said, "Oops, it's Joe
5 Galiber." I says, "Joe, what brings you into
6 Astoria?" He says, "George," he says, "you got
7 one of the best repair shops around here and,"
8 he says, "I keep bringin' this car. Hopefully
9 I'm goin' to get it fixed one of these days."
10 So Joe made it a habit every single time, and it
11 was very, very numerous, not only with the Stutz
12 Bearcat, some of the other cars that he had, he
13 always kept bringing it to Astoria, and on one
14 occasion I said, "Joe, I'm getting a little
15 suspicious." I says, "You don't have any idea
16 of moving from the Bronx down here, do you?" He
17 says, "No, George. I can assure you that that's
18 not the case."

19 You know, all of my memories and
20 recollections of Senator Galiber are all very
21 warm and happy, and I'm sure you've heard the
22 same sentiments being echoed throughout the -
23 these particular tributes. So they're all very,

1 very true; they all really do come from the
2 heart, and what I tell you now is when I grow
3 up, I hope that I will be just like Joe
4 Galiber.

5 ACTING PRESIDENT MARCELLINO:
6 Senator Bruno.

7 SENATOR BRUNO: Thank you, Mr.
8 President. And if Joe was here, he'd probably
9 say, if you ever grow up.

10 All of us had a good time with
11 Senator Joe Galiber when he was here in the
12 chamber, and I heard on the box a lot of the
13 good things, nice things, that have been said
14 about Senator Galiber, so that I'm, Mr.
15 President, at this hour not going to go on at
16 any length, but I just felt compelled to say a
17 few words about Senator Joe Galiber.

18 I know his family is here and
19 they can be very proud of his memory and the
20 good works that he did on behalf of the people
21 of his district and this state through his life
22 time. I would just comment that Senator Joe
23 Galiber really personified what being a Senator

1 is all about.

2 He looked the part. He just
3 looked Senatorial. He acted the part. He acted
4 Senatorial. And when he talked he talked
5 Senatorially. When was in the chamber or out of
6 the chamber, he was truly -- and it has been
7 stated -- a class act.

8 He's the kind of person that
9 you'd like to have as a friend because when he
10 was your friend you knew that he was there and
11 you could depend on him, and I'm proud to have
12 been able to call Senator Joe Galiber a friend.

13 I found that he was a very
14 special friend when he wanted to go up to
15 Saratoga to watch the thoroughbreds run, and we
16 would visit when he was there or go to SPAC and
17 see him there. He enjoyed the things that this
18 area could provide, but what he enjoyed most was
19 being here with his colleagues, serving his
20 constituents and serving the people of this
21 state, and he did that in a way that can make
22 all of us proud, his family proud.

23 He did it in a way, Mr.

1 President, that we will always remember. He did
2 what he did with class, and that was right up to
3 his final days when he was in this chamber
4 showing us what life is all about. So we'll
5 have the best memories of Senator Joe in this
6 chamber, and his family, and we will have the
7 legacy, as will his constituency, of the good
8 works that he did.

9 ACTING PRESIDENT MARCELLINO: The
10 question is on the resolution. All in favor
11 signify by saying aye.

12 (Response of "Aye.")

13 Nay?

14 (There was no response.)

15 The resolution is adopted
16 unanimously.

17 Senator Bruno.

18 SENATOR BRUNO: An announcement
19 by Senator Connor.

20 SENATOR CONNOR: Yes, once again I
21 would invite all the members and everyone here
22 to join us in the Conference Room in 314 with
23 the family and friends of Senator Galiber for

1 coffee and cake. We thought it would be a
2 little earlier in the afternoon, and I see a
3 couple old timers, Senator Halperin, and I saw
4 Senator Perry up there, they're certainly
5 welcome to join us as well, having served with
6 Senator Galiber.

7 SENATOR BRUNO: Thank you.

8 Mr. President, I believe there's
9 a report from the Insurance Committee at the
10 desk that I would ask be read at this time.

11 ACTING PRESIDENT MARCELLINO: The
12 clerk will read.

13 THE SECRETARY: Senator Velella,
14 from the Committee on Insurance, hands up the
15 following bills directly for third reading:

16 Senate Print 2766-A, by Senator
17 Velella, an act to amend the Insurance Law, in
18 relation to requiring insurance companies to
19 notify the Department of Social Services;

20 Senate Print 5971, by Senator
21 Velella, an act to amend the Insurance Law, in
22 relation to making additional provisions for the
23 transfer of funds from the medical malpractice

1 association;

2 5972, by Senator Velella, an act
3 to amend the Insurance Law, in relation to
4 providing of certain policies which provide
5 coverage for hospital, surgical and for mental
6 care include coverage for services.

7 All bills directly for third
8 reading.

9 ACTING PRESIDENT MARCELLINO:
10 Without objection, all bills are reported
11 directly to third reading.

12 SENATOR BRUNO: And, Mr.
13 President, can I ask that Calendar Number 135 be
14 laid aside at the request of the sponsor.

15 ACTING PRESIDENT MARCELLINO: 135
16 will be laid aside.

17 SENATOR BRUNO: For the day.

18 And in the name and in the memory
19 of Senator Joe Galiber, there being no further
20 business to come before the Senate, I move that
21 we stand adjourned until tomorrow at 3:00 p.m.

22 ACTING PRESIDENT MARCELLINO:
23 Without objection, the Senate stands adjourned

1 until Tuesday, February 6th, at 3:00 p.m.,
2 sharp.

3 (Whereupon at 6:34 p.m., the
4 Senate adjourned.)